BURDENED AGENCY AND END-OF-LIFE ETHICS: A THEOLOGICAL ANALYSIS

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ABSTRACT

This dissertation highlights central changes that have arisen with respect to common experiences of dying in modern, Western, industrialized societies. It argues (in Chapter 1) that late-modern dying is marked by a phenomenon called "burdened agency," which means that individuals (patients, proxies, and health care professionals) are increasingly expected to make decisions about the nature and timing of death. Moreover, such decisions are experienced as especially burdensome in a highly-reflexive social context, such as our own, in which death and dying have been largely de-institutionalized. When social and cultural norms fail to provide guidance to the dying, individuals are forced to seek meaning in an intensely private, individualistic and reflexive way. But the conditions of our modern dying—including the social isolation of the elderly and dying, social taboos about discussing death, the changing disease burden and illness trajectories, societal assumptions regarding human suffering and the use of technology, and other institutional realities—generally serve as hindrances to such meaning-making, and leave individuals in a precarious existential position as they seek to navigate the agency they so ambivalently possess.

This dissertation further argues (in Chapter 2) that the most prevalent "scripts" for dying today, including the technological dying of the Intensive Care Unit (ICU), hospice and palliative medicine, and physician-assisted suicide and euthanasia, all have shortcomings which must be acknowledged. Additionally, each script reflects moral norms that are embedded in the "modern social imaginary." Interestingly, the practices of dying in our society reflect substantive notions about human personhood and moral agency that are characteristically modern, including the relationship of freedom and authenticity to human dignity, the affirmation of everyday life, and a commitment to avoidance of suffering. These notions seem self-evident to many today, but they also assume a mode of moral agency that is active, marked by control over nature and contingency. This view is hard to square with the eventuality of death.

The central chapters of this dissertation explore and analyze three Christian perspectives on death and dying. As the predominant practices and discourses surrounding death and dying reflect latent views of human agency and personhood, so do theological notions of death reflect particular assumptions about what it means to be human and what it means to be a moral agent. Chapters 3-5 describe the relationship between death, dying, and human agency with respect to the tradition of Roman Catholic moral theology, 20th century Swiss Protestant theologian Karl Barth, and the contemporary theological ethicist Stanly Hauerwas. Chapter 3 suggests that Roman Catholic moral theology, especially after Vatican II, encourages a "spirituality of martyrdom," which views death under the aspect of submission, and which sees such surrender as a "witness" to divine providence and goodness. Chapter 4 presents Barth's theology of death in light of his doctrine of creation, and claims that its salient contribution is a posture of "acceptance of creaturely finitude." Chapter 5 suggests that these two themes converge in Hauerwas's thought, and claims that Hauerwas's own posture toward death and dying reflects an "ethics of dispossession." Chapter 6 examines Christian practices of preaching, baptism, Eucharist, and contemplative prayer, arguing that each can be understood to inculcate a posture of *kenotic* self-giving in dying, reflecting a mode of agency that is significantly different from that of the "modern social imaginary." This alternative mode of agency can be usefully marshalled for the generation of new ways of thinking about death and dying and new social practices at the end of life.

INTRODUCTION

§1. Introducing the Dissertation Topic

In life, there are certain experiences that are both common to all and intensely personal: the experience of childhood and adolescence, the discovery and negotiation of friendships and romantic love, relationships of caring and being cared for, the experience of beauty, the pursuit of truth or justice. Many of these experiences are marked in different religious traditions by rituals of various sorts; all are a perennial source of philosophical and theological thinking. It is the convergence of the quotidian and the singular, the universal and the utterly particular, that, at least partly, explains why these experiences become central sites of religious practice and moral reflection. Considered in this light, is there any reason the fecundity of death as a philosophical and theological concept should surprise us?

As Martin Heidegger famously noted, the human being is unique among creatures in recognizing that she is always already "thrown" toward death. One question that occupied his attention was: what will she do with this knowledge? What difference will it make in her life? The relationship she adopts toward her mortal existence is her "ownmost possibility," a question which only she can answer because no one can die her death on her behalf. Heidegger's own suggestion—that a radical transformation toward an authentic existence occurs only through freely adopting a stance of actively "running up" to the death which awaits you—is one potential answer to this question. There are, of course, many others. What Heidegger makes clear, however, is that every person adopts a particular stance or attitude toward the fact of death. Now, attitudes can and do change throughout one's life. And attitudes about death and dying often remain subterranean and pre-reflective, lying beneath the surface of one's active attention. But the point is that whether we acknowledge it or not, our posture toward death affects not only how we die but also the way we live our lives. Even the apparent failure to adopt a stance toward death itself constitutes a stance toward death. Denial is a posture, too.

Our own society does not deal very well with death and dying. Some suggest that this is the result of widespread cultural attitude of denial. Arthur C. McGill, for example, characterized contemporary America as a nation of *bronze people*, a term reserved for those who "live according to an ethic of success or avoidance… devot[ing] themselves to expunging from their lives every

appearance, every intimation of death."[1] In advertising and popular culture, this ethic of success is reflected in portrayals of old age and retirement that resemble a second adolescence, a period of time apparently free of bonds of responsibility, in which leisure is pursued with carefree abandon, and in which romance blossoms in ways that are impossible in the midst of work and family life. I do not want to suggest that freedom, leisure, and romance are not desirable features at any stage of life—I hope to have my fair share of each even into old age! Nevertheless, the one-sided portrayal of this "ideal" betrays a cultural discomfort with the ambiguous realities of aging (the loss of mental acuity, for example, or the gaining of folds in the skin) and the eventual fact of death which these portend.

There are, however, plausible reasons to question the notion that the American attitude toward death is primarily denial. The cultural landscape is complicated. In fact, there seems to be a resurgence of attention to death and dying in the popular media. A couple generations ago, the "death awareness movement" brought death and dying into the light, largely fueled by a shared recognition that the combination of death's medicalization and its erasure from public consciousness was resulting in an undesirable state of affairs. The type of death which was growing increasingly likely—a death marked by loneliness, social isolation, and overuse of technological interventions, and confusion about how to extricate oneself or loved ones from their grip—was widely recognized as a "bad" death. In the past few decades much has changed, but much has also remained the same. Today, major motion pictures and *New York Times* best-selling books and memoirs are increasingly focusing on the end of life, and there seems to be a steady proliferation of newspaper and journal articles exploring the ethical ambiguities of death and dying. Self-proclaimed "transhumanists" have initiated a (still nascent) public debate about whether, if we were able to do so, it would be desirable to cure the "disease" of old-age, ushering an era of radical life-extension. In some cities "death cafes" are now commonplace. At these public dinners, participants gather to consider their mortality and share their fears and desires for the end of life. It seems like death is finally getting its due. As with the original "death awareness movement," however, this widespread attention reveals a general dissatisfaction with the institutions, practices, and cultural influences surrounding death and dying in our society. A book like Atul Gawande's *Being Mortal* is likely only a wild success in a culture that struggles with being mortal.[2]

Perhaps the most confounding aspect of dying today is the fact that it increasingly must be *chosen*. Death has generally been understood as something that *happens to* us. In previous eras, a chosen death was an exception to the rule. The soldier throwing himself on a grenade to save his comrades

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[1] Arthur C. McGill, *Death and Life: An American Theology* (Eugene: Wipf & Stock Publishers, 2003), 26.
[2] Atul Gawande, *Being Mortal: Medicine and What Matters in the End* (New York: Metropolitan Books, 2014).

or the dramatic suicides of Shakespeare's Romeo and Juliet inspire and move us in their tragic or heroic rarity. But when the dying process is enveloped by the ever-increasing power and dominion of medicine, the exception becomes the rule: today we are more likely than ever to choose the manner and timing of our deaths (or the deaths of our loved ones). In the illustrious words of Sir Winston Churchill (or was it Spiderman?), with great power comes great responsibility. It is far from clear, however, that such responsibility is welcomed by the average person.

The situation in which we find ourselves is one that this dissertation describes as "burdened agency." This term describes a phenomenon with two salient features: (1) the burden of *having-to-choose* means we are increasingly expected to make concrete choices about the manner and timing of death; (2) the burden of *reflexivity* means that we must do so in an increasingly individualistic context with less-stable cultural and religious guidance than ever before. The burden *of* agency combined with the reflexive burden *on* agency often results in an existential predicament of anxiety, bewilderment, and regret. Here the institutional and cultural realities converge with the philosophical and theological issues introduced above. For what I am calling "burdened agency" summons individuals to act out of their (sometimes pre-reflective) posture toward death and dying. Consequently, many of us will find ourselves in a position to interrogate our way of thinking (or not thinking) about death and dying. The process of bringing to light—of making explicit—those subterranean beliefs and attitudes about death and dying is a central theme of this dissertation.

Two important caveats suggest themselves at this point. The first has to do with issues of race, class, and gender. I am aware that the account given in this dissertation (especially as it regards "modern medicine" and of the "dominant social imaginary") is one that makes sense most especially from a given social location. I am a middle-class, white male educated at fairly elite institutions, and while I have experienced the role of patient first-hand (through a diagnosis and treatment for non-terminal cancer), my own experience with the medical establishment was most certainly affected by my relatively privileged position. I have never struggled to pay for a hospital bill, nor have I (unwillingly) gone without health insurance for very long. I also have felt no reason to distrust the physicians and nurses that took care of me over the years. Questions of disparities in access to health care and legacies of institutional racism are important, though they are not explored in-depth in this dissertation, mostly for reasons of scope and length of an already too-long dissertation, but also partly because I have not yet been able to articulate with any degree of confidence their exact impact on the central theme of the dissertation. I do take up the question of the relationship between gendered power dynamics in Chapter 6, and I am aware that some persons will feel the *lack* of agency more

acutely than a burdening of agency at the end of life. Nevertheless, the central problematic of "burdened agency," I contend, is in no way unique to a particular social class, race or gender—though it may be distinctively filtered through these elements of identity and social location.[3] The very real disparities which exist along the lines of race and class, especially, are likely, in my opinion, to amplify the experience of burdened agency. For those from less privileged segments of society are likely to suffer from disproportionately low access to *preventative* health care, to experience unjust conditions of "social determinants of health," to have lower levels of "health literacy" (especially regarding the nature of diagnosis and prognosis), and to receive less clinical attention or face-to-face time with physicians.[4] Yet, under these conditions, they are still faced with difficult health care decisions at the end of life, especially as technological medicine and clinical research trials are integrated into Medicare reimbursement policies.[5] To make such decisions under the conditions of poverty, sexism, institutional racism, and mistrust is to bear an *additional* burden on one's agency. It is my hope that this dissertation will provoke further discussion about exactly these issues, and that I will therefore have the opportunity to further integrate such aspects into future work.

The second caveat is this: there is a very real danger, given that this dissertation combines a mild form of modernity-critique with an ethical analysis of medical practices, that a reader might assume that it represents an "anti-medicine" or "anti-modern medicine" stance. Such an assumption would be misguided. I have every reason to be thankful for modern medicine (the cancer I was diagnosed with would have killed me thirty years ago), and I greatly respect the work of physicians and nurses (I am married to one). This dissertation should be read, not as anti-medicine, but rather as

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[3] See, e.g., Emilie Maureen Townes, *Breaking the Fine Rain of Death: African American Health Issues and a Womanist Ethic of Care* (New York: Continuum, 1998); and the work of Keith Wailoo, including, Keith Wailoo, *Dying In the City of the Blues: Sickle Cell Anemia and the Politics of Race and Health* (Chapel Hill: University of North Carolina Press, 2001); Keith Wailoo, *How Cancer Crossed the Color Line* (Oxford: Oxford University Press, 2011); Keith Wailoo, *Drawing Blood: Technology and Disease Identity In Twentieth-Century America* (Baltimore: Johns Hopkins University Press, 1999); and Keith Wailoo and Stephen Gregory Pemberton, *The Troubled Dream of Genetic Medicine: Ethnicity and Innovation In Tay-Sachs, Cystic Fibrosis, and Sickle Cell Disease* (Baltimore: Johns Hopkins University Press, 2006).

[4] See Graciela J. Soto, Greg S. Martin, and Michelle Ng Gong, "Healthcare Disparities in Critical Illness," *Critical care medicine* 41:12 (2013): 10.1097/CCM.0b013e3182a84a43. *PMC*. Web. 17 Mar. 2017; S. Mantwill, Monestel-Umaña S, Schulz PJ, "The Relationship between Health Literacy and Health Disparities: *A Systematic Review*." *PLoS ONE* 10:12 (2015): e0145455. doi:10.1371/journal.pone.0145455; David R. Williams and Pamela Braboy Jackson, "Social Sources of Racial Disparities in Health," *Health Affairs* 24:2 (2005): 325-334; Dorothy D. Dunlop, Larry M. Manheim, Jing Song, Rowland W. Chang, "Gender and Ethnic/Racial Disparities in Health Care Utilization Among Older Adults," *Journal of Gerontology: Social Sciences* 57B:3 (2002): S221-S233. doi: 10.1093/geronb/57.4.S221.

[5] See Sharon R. Kaufman, *Ordinary Medicine: Extraordinary Treatments, Longer Lives, and Where to Draw the Line* (Durham: Duke University Press, 2015).

a sympathetic attempt to enrich the moral and theological discourse about medicine, and to encourage, as one author puts it, "the finest traditions of [the] calling."[6]

§2. Approach and Aims of the Dissertation

This dissertation is ostensibly about the challenges we face in dying well, and, specifically about how best to understand and bear the responsibilities of choice at the end of life. It is not, however, a guidebook for helping patients and caretakers to navigate the terrain of modern medicine and end-of-life decisions. Rather, as the title suggests, it is a theological analysis of an ethical problem. A few words about this approach are in order. For it will hardly be obvious to some readers what contribution we might expect from religious or theological sources in dealing with a practical problem like "burdened agency."

One presupposition of this dissertation is that social norms and institutions are never value-neutral or merely pragmatic arrangements. On the contrary, these norms and institutions reflect and carry forward substantive (if latent or inarticulate) assumptions and beliefs about the nature of the world, humanity, social and political relations, and the moral life. It would, perhaps, be an overstatement to suggest that all such beliefs are "theological" or "religious" in character,[7] but not by much. As we shall see, many of the beliefs that underlie our current end-of-life practices are secularized variants of ideas that originally had their provenance in theological discourse. Once such ideals and beliefs are made explicit, they prove to be amenable to engagement from the side of theology. Once articulated, such ideals are open to theological analysis and critique (importantly, in this process, theology is also open to critique and revision).

The connections between social practices and the ideals and beliefs embedded in them are not always easy to tease out. It requires, at minimum, attention to the work of social scientists and

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[6] See Abraham M. Nussbaum, *The Finest Traditions of My Calling: One Physician's Search for the Renewal of Medicine* (New Haven: Yale University Press, 2016).

[7] This dissertation does not draw a strong distinction between "theology" and "religion." While the common convention of distinguishing the "descriptive" study of religion from the "normative" study of theology has some utility, it is not entirely satisfying in practice. Neither is the assumption that the study of religion occurs from an "outsider" perspective and the study of theology occurs from an "insider" perspective. In this dissertation, a closer analogy for the distinction between "theology" and "religion" can be found in the categories of "theory" and "practice," if the latter terms are immediately qualified by a recognition of their constant interrelation and the fluidity of their boundaries. Religious practices are lived articulations of theological concepts, just as theological concepts are worked out and revised in the lived reality of religious practices. Religion is implicit theology; theology explicit religion. For an immensely helpful (and entertaining) account that questions rigid distinctions between these categories, see Eugene F. Rogers Jr., "Theology In the Curriculum of a Secular Religious Studies Department," *Cross Currents* 56:2 (2006): 169-179.

historians who give a thick account of such institutions and practices as they currently exist and as they have developed over time. Therefore, this dissertation (especially in the first two chapters) draws heavily on the disciplines of cultural sociology, intellectual history, medical anthropology, history of medicine, and clinical biomedical ethics in order to give an account of the conditions under which dying occurs today, as well as to explain as well as possible (given the limitations of dissertation format and authorial competence) how we got here. The dissertation seeks to describe for the reader the various institutional realities and cultural norms that affect the experience of dying in the modern west, and which give rise to the phenomenon of "burdened agency." Once the account has been given, I then turn to the work of intellectual historians, most especially the work of Charles Taylor, to explicate the substantive beliefs and ideals that are embedded in the social practices of dying that are most common today. Notably, these social practices reflect concerns, not only about the nature of death and the human response to it, but also about more general notions of philosophical (and theological) anthropology and moral agency as such.

What begins as an inquiry into modern practices and ideals about death and dying opens up into a broader discussion about what it means to be a human being and what it means to live as a moral agent. In light of this, a central argument emerges: we can learn much about a culture's assumptions about moral agency and theological anthropology by attending to that culture's practices of dying and the ethical discourse which surrounds such practices. Correlatively, alternative notions of moral agency and theological anthropology can offer critical leverage for envisioning alternative practices and for better understanding shortcomings of current institutions and norms. The central chapters of this dissertation (Chapters 3-5) aim to describe the fundamental logic of an alternative vision of moral agency and theological anthropology by attending to how one tradition describes the human posture toward death, dying and mortality. The tradition, in this case, is Christianity, though the thinkers examined represent different theological and denominational perspectives within the broader range of Christian thought. Though the issues taken up in this dissertation are relevant to persons of all different religious affiliations (or no such affiliation at all), the scope of the theological analysis is limited to Christianity in the interest of giving a thorough account which does not tax the patience of the reader, or exceed the competency of the author. Though the alternative vision on offer is native to this particular perspective, I believe and hope that it will find sympathetic readers who identify with other religious traditions or who belong to that ever-growing contingent of religious "nones."

I should say a word or two about my intended audience and my primary aims. There are three audiences to whom this dissertation will likely be of interest. First, for scholars of religion, this dissertation offers (a) an account of the interrelation between religious institutions and practices, on the one hand, and the development and shape of medicine and medical practice, on the other; (b) an analysis of the relationship between religious practice and cultural formation that will be of interest to those interested in broader issues of religion and society; and (c) an explication of specifically Christian religious practices in terms of their relationship with death and dying, on the one hand, and normative vision of moral agency and ethics, on the other. Second, theologians and theological ethicists will be interested in the account this dissertation gives of Christian understandings of death and human agency-in-dying, especially insofar as these reflect substantive contributions to theological anthropology, as well as to the question of the relationship between the doctrine of creation and the problem of evil. Finally, this dissertation hopes to be of some help to academically-interested practitioners of medicine (including nurses and other care-takers) as well as the occasional reader who has felt or will likely feel the existential weight of "burdened agency." For such readers, the very act of examining these issues will likely provoke moments of self-reflection that are crucial to a healthy engagement with or practice of medicine at the end of life.

§3. Outlining the Argument

The first chapter of this dissertation introduces the concept of "burdened agency" as an ethical phenomenon. In doing so, it highlights central changes that have occurred with respect to common experiences of dying in modern, Western, industrialized societies. It argues that late-modern dying is marked by a phenomenon called "burdened agency," which means that individuals (patients, proxies, and health care professionals) are increasingly expected to make decisions about the nature and timing of death. Moreover, such decisions are experienced as especially burdensome in a social context, such as our own, in which death and dying have been largely de-institutionalized. When social and cultural norms fail to provide guidance to the dying, individuals are forced to seek meaning in an intensely private, individualistic and reflexive way. But the conditions of our modern dying—including the social isolation of the elderly and dying, social taboos about discussing death, the changing disease burden and illness trajectories, societal assumptions regarding human suffering and the use of technology, and other institutional realities—generally serve as hindrances to such meaning-making, and leave

individuals in a precarious existential position as they seek to navigate the agency they so ambivalently possess.

While Chapter 1 primarily focuses on the way the material conditions of modernity (including, e.g., the rise of new medical technologies, the advent of the modern hospital, and the eventual medicalization of death) affect the experience of agency in dying, Chapter 2 shifts the focus to the "moral ontology" and "philosophical anthropology" which underlie both the highly-medical dying characteristic of the Intensive Care Unit (ICU), and the two most visible cultural "scripts" for dying that have arisen in response to the ICU—namely, hospice and physician-assisted-suicide (PAS). Drawing on Charles Taylor's account of "modern identity" and "modern social imaginaries," I argue that each of these scripts is deeply indebted to one or more of the following facets of our social imaginary: (a) a sense of inwardness, which locates freedom in the individual will, and correlatively locates "dignity" in a the exercise of rational autonomy; (b) the sense that nature constitutes a moral source, so that authenticity is located in attunement to nature (conceived in highly individualistic terms), and dignity is understood in terms of self-expression; and (c) the affirmation of ordinary life, including especially the realm of labor and work, on the one hand, and marriage and family life, on the other. During the Enlightenment, the moral ideals of universal benevolence and the affirmation of ordinary life converged to create a moral imperative to reduce suffering and prevent death. In light of this dominant social imaginary, I then draw on feminist "standpoint theory" and Graham Ward's work on religious practice and cultural transformation to argue that the theological claims and religious practices of Christianity constitute a "standpoint" distinctively situated to generate new imaginary significations and institutional practices that challenge (in interesting and complex ways) those that are dominant in our current cultural climate.

Chapter 3 presents the major outlines of traditional teachings of Roman Catholicism about death and dying. Specifically, it explicates the teachings about death and dying as they are developed in three major strands of the broader tradition of Roman Catholic moral theology—namely, the teachings of the Magisterium, the tradition of new natural law, and the post-Vatican II, revisionist/theological approaches of Richard McCormick S.J. and Karl Rahner S.J. I argue that both new natural law and the post-Vatican II approaches develop key themes of the Magisterium's teaching on death and dying, but the approaches of McCormick and Rahner are better suited to offer moral guidance in the face of "burdened agency." This is because the post-Vatican II approaches emphasize the connections between morality and spirituality, rather than the intrinsic nature of the act—which is increasingly difficult to adequately describe in our technological and medicalized context. I draw

upon the work of Servais Pinckaers O.P. to suggest that McCormick and Rahner support a Catholic "spirituality of martyrdom," which understands agency-in-dying as neither "active-control" nor "mere passivity," but as "submissive receptivity" of that which comes from God's hand for the sake of love. Just as the martyr witnesses to her trust in God's providence by being faithful *unto* death, so also more quotidian and mundane instances of dying can witness to God's lordship when they are approached in the posture of "submissive receptivity."

Chapter 4 turns at length to the theology of Karl Barth, which represents a fundamentally different approach to death and human mortality. I trace Barth's understanding of death and dying from his early period (*Der Romerbrief*) to his mature theological reflection of *Church Dogmatics* III.4. I argue, on the one hand, that Barth's treatment of death as an aspect of creaturely existence and his robust theological affirmation of human temporality and finitude provide conceptual resources for understanding death as a natural end, which can be accepted and affirmed as such. On the other hand, however, Barth's dialectical insistence on the association of death with guilt for the human sinner means that death can only be accepted as natural once it is affirmed as also wholly unnatural—as that which has been overcome and rejected in Jesus Christ. Seen in this dialectical richness, death is redeemed as both the basis for God's taking God's creation seriously as finite creature, and as the necessary precondition for God's granting of the surplus gift of resurrection life. Similar to the spirituality of martyrdom, Barth advocates a posture of receptiveness to human mortality, but one that is informed by a concrete appreciation for the gift of human "limitedness" and boundaries.

Chapter 5 turns to the work of contemporary theologian and social ethicist Stanley Hauerwas. This chapter argue that Hauerwas's work represents a synthetic convergence of the Roman Catholic "spirituality of martyrdom" and the Barthian "acceptance of creaturely finitude." I show how these themes inform both his theological method (e.g., the use of the essay form rather than the theological treatise, and the emphasis on moral description rather than discrete decision), as well as his ethical convictions (e.g., his refusal of the liberal association between rational agency and human dignity, his eschewal of the presumption that all suffering should be avoided, and his insistence on the value of persons with disabilities). I argue that Hauerwas provides a theological account of an "ethic of dispossession," which finds its original application in a theology of non-violence, but also has particular relevance for understanding the relationship between agency and the experience of advanced aging, and, ultimately, death and dying.

In the final chapter (Chapter 6), I consider how concrete practices—in both ecclesial and healthcare settings—carry forward and sustain these core moral concepts (the spirituality of

martyrdom, the acceptance of creaturely finitude, and an ethic of dispossession) in ways that challenge the dominant social imaginary characterized in Chapter 2. I argue that theologians, ethicists, clergy, and medical practitioners of faith, should collaborate in a process of "re-embedding" the practices of medicine and end-of-life care in the ecclesial narratives and practices, so that ordinary people might learn to see and speak of their everyday experience in terms that resist moral logics that lead to the ICU or to an *uncritical* acceptance of the dominant scripts of hospice and euthanasia. This is essentially a narrative and linguistic task, which, if done well, will provide new language for describing what is happening at the end of life. As Hauerwas points out, description is itself a key moral task, as one cannot understand the nature of a dilemma apart from the moral description of that dilemma. When understood in the theological context described in this dissertation, many of the practices which are common in end-of-life care can be fruitfully appropriated by Christian patients, caregivers, and physicians—but can be taken up with a different spirit and with different assumptions about the shape of human moral agency. The chapter lifts up four Christian practices, noting their implications for clinical practice and Christian dying. Preaching and the "ministry of the word" provides the basis for the church's adoption of a "prophetic imagination" and a willingness to name death and dying truthfully. Baptism seals one's identity in the death and resurrection of Jesus Christ, so that in one sense, the Christian's death is always behind her. Baptism prefigures and presages martyrdom, as faithfully dying in the Lord. Following Rowan Williams, I suggest that baptism inaugurates a martyrial existence even in the quotidian realities of everyday life. In the Eucharist, the Christian is drawn further and further into this identity, as she is mysteriously drawn into the broken body of Christ. Approaching the altar with empty hands, Eucharist is also a regular enactment and recognition of one's creaturely dependence and "eccentric existence." These elements make Eucharist an act of Christian *kenosis*, or self-emptying—a displacement of the self that makes room for God. This kenotic element is repeated and intensified in the fourth practice, Christian silent prayer, or contemplation. Following Sarah Coakley's feminist interpretation of *kenosis*, I suggest that silent prayer enacts a form of agency that cannot be imagined from the point of view of the modern social imaginary. It therefore has enormous potential to subvert the assumptions about agency that dominate medicine and culture and which make dying difficult. Drawing a parallel with Buddhist-inspired mindfulness practices, I suggest that Christians should make silent prayer an emphasis in end-of-life care. The goal of this final chapter is to suggest the bearing of "burdened agency" is not a matter of unburdening the agent (as if that were possible), but rather of helping her to maintain the integrity of central theological commitments in the midst of a culture that typically obscures such commitments from view.

§4. Acknowledgments

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Thank you, Paul and Nancy Lee Gauche, for believing in me and for your constant prayers. Also, thank you for showing me what it looks like to love someone well at the end of their life. I will never forget the dignity and grace with which you treated Eugene and how you refused to allow his final years to be spent alone. And Soren, thanks for being my first and best brother.

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One of my advisors told me early on that I should be careful about writing a dissertation on death. "They rarely get finished," she said. Despite the ominous note of the warning, I understand now what she means. I am sure that this topic would have weighed me down, were it not for the daily uplifting and joyous presence of my daughters, Ruby Grace and Ryann. Thank you for reminding me every day why life is a wonderful gift, full of potential and surprises.

Finally, I dedicate this dissertation to Sarah, *sine qua non*. "If its half as good as the half we've known, here's Hail! to the rest of the road" (Vanauken).

CHAPTER 1: BURDENED AGENCY AND MODERN DYING

§1. Introduction

§1.1. Death: The Uncertain Certainty

Søren Kierkegaard, in his characteristically paradoxical way, urged his readers to remember that death is, at one and the same time, "the only certainty, and the only thing about which nothing is certain." [1] In other words, *that* death will come to each and every person is beyond doubt; *when* and *how* it will occur is unknowable. *Mors certa, hora incerta*. For Kierkegaard, the "uncertain certainty" of death had very concrete implications for ethical and religious life: it was the crucial engine of the existential posture he labeled "earnestness"—"a response of intense wakefulness and commitment, a way of being fully present to the gravity and seriousness of what stands before one."[2] While the use to which Kierkegaard puts this concept is important, I introduce it here for another reason. Viewed as a statement about the nature of death and dying in 19th century Denmark, it would have been a wholly uncontroversial claim. None of Kierkegaard's readers would have thought to question it. Ostensibly, in our own day, it is a description that would elicit broad assent. It seems true to experience in important ways. For the majority of people, when (not if!) death arrives, it does so with some element of surprise, even if preceded by a long period of decline.

Upon further reflection, however, we might ask whether those of us in the modern West can still take Kierkegaard's description for granted. Is it possible that death is no longer an "uncertain certainty" in the Kierkegaardian sense? It is undoubtedly true that the mortality rate has held steady at one hundred percent, despite the efforts of a relatively small, but heavily bankrolled, group of transhumanist-inspired entrepreneurs and researchers, who desire above all a "cure" for death and

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[1] Søren Kierkegaard, "At a Graveside," in *Three Discourses on Imagined Occasions*, trans. Howard and Edna Hong (Princeton: Princeton University Press, 1993), 91. "The certainty is that the axe lies at the root of the tree. Even if you do not notice that death is passing over your grave and that the axe is in motion, the uncertainty is still there at every moment, the uncertainty when the blow falls—and the tree." Kierkegaard, "At a Graveside," 93.

[2] Charles Guignon, "Heidegger and Kierkegaard on Death: The Existentiell and the Existential," in *Kierkegaard on Death*, eds. Patrick Stokes and Adam J. Buben (Bloomington: Indiana University Press, 2011), 189. This is a similar posture to Heidegger's notion of "anticipation," the hallmark of authentic being-toward-death, free of the corrupting influence of "the They." "What is characteristic about authentic, existentially projected being-toward-death can be summarized as follows: *Anticipation reveals to Da-sein its lostness in the the-self, and brings it face to face with the possibility to be itself, primarily unsupported by concern taking care of things, but to be itself in passionate anxious freedom toward death which is free of the illusions of the they, factical, and certain of itself.*" Martin Heidegger, *Being and Time: A Translation of* Sein und Zeit, trans. Joan Stambaugh (Albany: SUNY Press, 1996), 245.

aging.[3] Many people will find their aspirations fanciful, but their influence should not be entirely discounted, for they both reflect and shape broader cultural assumptions about what is possible and desirable.[4] As more and more scientists join the cause,[5] is it possible that the certainty of death might be called into question, if not in actual fact then at least within the popular imagination?

Perhaps more realistic, and more relevant for our purposes, than the loss of the *certainty* of death, however, is the gradual erosion of death's *uncertainty*. For Kierkegaard, death may come at any moment ("*Then*, all is over!") because it lies outside of human control.[6] While this is still often the case, especially in the two-thirds world, there is a sense in which the absence of control decreasingly characterizes death in the developed West. Consider the following two cases:

> (1) Faith Carver, 92, lives in a nursing home in Fresno, California. She is a long-time widow with no family nearby. Because she suffers from advanced dementia, she does not recognize friends and family, and she relies on the help of nursing staff to complete even the simplest tasks, like bathing, dressing, and eating. One morning she develops a high fever and is transferred to a local emergency room for treatment. There she is diagnosed with pneumonia. Because her chart contains no living will or advance directive indicating her preferences for care, the physician contacts her family, who are "understandably reluctant to withhold life-prolonging treatments." Mrs. Carver is transferred to the Intensive Care Unit (ICU), where she receives intravenous antibiotics and is intubated in order to provide her with sustenance,

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[3] Much of the energy behind anti-aging research, for example, flows from Silicon Valley investors. The secretive California Life Company (Calico) began with a $750 million investment from Google. Larry Ellison (former CEO of Oracle) has donated over $430 million to anti-aging research. In 2015 alone, Google Ventures president Bill Maris invested $425 million to similar technologies. Peter Thiel's investments helped start Aubrey de Grey's SENS Research Foundation. See Ariana Eunjung Cha, "Tech Titans' Latest Project: Defy Death," *The Washington Post*, April 4, 2015. Accessed April 20, 2015. http://www.washingtonpost.com/sf/national/2015/04/04/tech-titans-latest-project-defy-; Katrina Brooker, "Google Ventures and the Search for Immortality," *Bloomberg Markets*, April 2015. Accessed online April 21, 2015 http://www.bloomberg.com/news/articles/2015-03-09/google-ventures-bill-maris-investing-in-idea-of-living-to-500.
For a fuller account see Stephen S. Hall, *Merchants of Immortality: Chasing the Dream of Human Life Extension* (Boston: Houghton Mifflin, 2003).

[4] So, for example, it is important to note when a man like Peter Theil (whose net worth is estimated around $2.2 billion) claims that "[t]he great unfinished task of the modern world is to turn death from a fact of life into a problem to be solved — a problem towards whose solution I hope to contribute in whatever way I can." It's no secret that cultural influence, more than New York or Washington D.C., flows out of Silicon Valley.

[5] Additionally, there is the more practical issue of how tech investments shape the research agendas of scientists competing for scarce resources. A $3 million "Breakthrough Prize"—founded by Sergey Brin (Google), Mark Zuckerberg (Facebook), and others for the promotion of discoveries that extend human life—is arguably a greater incentive than a Nobel Prize, which only awards $925,000.

[6] Kierkegaard, more than most, would have had occasion to reflect on human impotence in the face of death. He endured the death of his mother and five siblings—and the family seemed to interpret these deaths as divine retribution for a moment of blasphemy in Søren's father's past. See Patrick Stokes and Adam Buben, "Introduction," in *Kierkegaard and Death*, 2.

for she can no longer take foods orally. Soon after being placed in the ICU she goes into cardiac arrest. "[A]n emergency code [is] called over the loudspeaker and a team [is] summoned to perform CPR, invading the body with tubes, compressing the chest hard enough to pump blood manually… and applying electrical jolts to try shocking [her] heart back into a rhythm." Eventually the attending physician declares these efforts futile and Faith Carver is "allowed" to die.[7]

(2) The mind of Dr. Richard Wesley, 67, is sharp and lucid. He can banter with his family, and is constantly cracking jokes. His body, however, is deteriorating rapidly. Dr. Wesley has amyotrophic lateral sclerosis (ALS), also known as Lou Gehrig's Disease. ALS is an incurable disease that "lays waste to muscles while leaving the mind intact." Patients with the disease "typically live no more than four years after the onset of symptoms," but the exact amount of time can vary. Last summer, after a bout of pneumonia, Dr. Wesley's physician determined that he "most likely had only six months to live." Because of the Death with Dignity Act in his home state of Washington, Dr. Wesley was able to obtain a prescription for life-ending barbiturates. When asked at what point he would consider taking them, Dr. Wesley replied, "It's like the definition of pornography, I'll know it…when I see it."[8]

The point here is not to make any judgments about the propriety or desirability of such deaths, but rather to draw attention to the prevalence and kind of human agency we see enacted in them. In very different ways, each case illustrates the tendency of modern medicine to bring the nature and timing of death and dying under efficient and instrumental control. In the first case, the agency displayed was not so much Mrs. Carver's as it was her family and physicians. Whereas at one time pneumonia, the "old person's friend," would have meant a relatively peaceful passing, for Mrs. Carver it occasioned a costly series of interventions aimed at forestalling eventual death. While the "cause" of her death was technically her underlying disease, once the momentum of treatment began, death could not occur until a positive decision was made by the physicians to step out of the way.[9]

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[7] This story is adapted from Ira Byock, *Dying Well: Peace and Possibilities at the End of Life* (New York: Riverhead Books, 1997), 26-27.

[8] See Katie Hafner, "In Ill Doctor, a Surprise Reflection of Who Picks Assisted Suicide," *The New York Times*, August 11, 2012, accessed November 15, 2012, http://www.nytimes.com/2012/08/12/health/policy/in-ill-doctor-a-surprise-reflection-of-who-pic ks-assisted-suicide.html.

[9] I want to be clear that I am not suggesting a strong moral distinction between "withholding" and "withdrawing" treatment. I consider such distinctions to be more-or-less irrelevant to a moral evaluation of whether a treatment should

In the second case, it is the patient whose agency is (potentially) exercised in dying. Dr. Wesley would "prefer to die naturally, but if dying becomes protracted and difficult, he plans to take the drugs and die peacefully within minutes."[10] Dr. Wesley is not sure if he will use the medication to end his life, but he is clear that "it is my life, it is my death, and it should be my choice."[11]

Of course, suicide has always been an option for those who face the possibility of suffering. What is novel here is the fact that Dr. Wesley's suicide[12] would be incorporated into the basic standard of care for persons in his position. In his home state, it has been determined that a request for life-ending drugs should be granted by a licensed physician if patients, like Dr. Wesley, meet certain criteria. As the author notes, "Dr. Wesley is emblematic of those who have taken advantage of the law. They are overwhelmingly white, well-educated and financially comfortable. And they are making the choice not because they are in pain but because they want to have the same control over their deaths that they have had over their lives."[13] Of course, instances of physician-assisted suicide (PAS) are still relatively rare in the United States, but if the experience of the Netherlands and Switzerland are indicative, we would expect a significant increase over time.[14] PAS seems to be on the path to normalization, perhaps aided in that direction by high-profile cases like Brittany Maynard, the twenty-nine year old who spent her final days between her terminal brain cancer diagnosis and her eventual suicide advocating for the legalization of PAS.[15]

Let me reiterate that my point here is not to argue for or against medical intervention or PAS. Rather I simply want to point out the way that each of these cases, chosen nearly at random from a host of possible examples, illustrates the drawing of death and dying into the sphere of human agency, and *ipso facto* into the sphere of moral responsibility. It is this dynamic that led bioethicist Robert

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be administered or continued. For more on this, see Tom Beauchamp and James Childress, *Principles of Biomedical Ethics* 7th ed. (New York: Oxford University Press, 2013), Chapter 5.

[10] Hafner, "In Ill Doctor, a Surprise Reflection of Who Picks Assisted Suicide."

[11] Hafner, "In Ill Doctor, a Surprise Reflection of Who Picks Assisted Suicide."

[12] Though it is perhaps no longer fashionable, I prefer the use of the term "Physician-Assisted Suicide" to the broader "Physician Aid in Dying" or "Physician Assistance in Hastening Death." I recognize the (somewhat valid) concern to describe the relevant action in terms that do not assume *a priori* a negative ethical evaluation. In my judgment, however, the proposed terminological change occludes the moral issue, rather than clarifying it. The language of "suicide" makes clear that the death is willed and enacted by the patient herself (distinguished, e.g., from active voluntary euthanasia), and need not entail a negative evaluation upon the act. I leave open the possibility that some particular cases of physician-assisted suicide might be ethically justifiable.

[13] Hafner, "In Ill Doctor, a Surprise Reflection of Who Picks Assisted Suicide."

[14] See J. Pereira, "Legalizing Euthanasia or Assisted Suicide: The Illusion of Safeguards and Controls," *Current Oncology* 18:2 (2011): 38–45.

[15] Her efforts are continued today through The Brittany Maynard Fund, a non-profit initiative of Compassion & Choices (formerly The Hemlock Society). More information can be found at http://www.thebrittanyfund.org/. We will revisit the story of Britney Maynard's death in Chapter 6.

Veatch, almost forty years ago, to ask the question, "Is death moral in a technological age?"[16] If, through technological means, we have the ability to forestall death, then how exactly can we justify allowing death to occur?

Veatch was troubled by the moral confusion that ensued when the dying process was brought under technological control. The reality, however, is that the current confusion surrounding death and dying goes beyond the influence of the technological; it involves the confluence of medical technology, commercial and bureaucratic forces, the radical prioritization of individualism and choice, and other deep social-structural changes characteristic of modernity.[17] In the pages that follow, I want to outline some of the ways the dying process has been altered by the conditions of modernity, especially as it relates to the way dying is increasingly brought within the sphere of moral responsibility.

§1.2. What is Burdened Agency?

It is my contention that the practical effect of these changes has been a "burdening" of individual moral agency. This claim includes, but goes beyond, the simple fact that more and more control over the dying process is possible than ever before. That, in and of itself, could not credibly be described as a burden. In introducing the concept of "burdened agency," I mean to emphasize two elements of the contemporary situation.[18] First, there is a tendency for the availability of control over some aspects

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[16] Robert M. Veatch, *Death, Dying, and the Biological Revolution: Our Last Quest for Responsibility.* Rev. ed. (New Haven: Yale University Press, 1989), 3. The first edition was published in 1976.

[17] The terms "modernity," "advanced modernity," and other cognates do not refer to a specific time-period, but to a particular type of social order whose cultural ideals and institutions are marked by the rise of (1) functional rationality, (2) cultural pluralism, and (3) structural pluralism (i.e. the division between public and private life). It also should be noted that there is no single "modernity," but "multiple modernities" (globally) and diverse experiences of modernity (locally). I will accordingly limit myself to speaking about Western (in particular, North American) experience, with the knowledge that even that is too sweeping a claim. A more "formal" definition that may function as shorthand is that modernity is the "culture surrounding technologically-induced economic growth." I thank James Davison Hunter for this last point.

[18] The term I have chosen, "burdened agency," shares some affinity but also important differences with Lisa Tessman's important concept of "burdened virtues" (see Lisa Tessman, *Burdened Virtues: Virtue Ethics for Liberatory Struggles* (New York: Oxford University Press, 2005)). Tessman offers a picture of virtue formation that acknowledges and accepts the effects of constitutive moral luck: "The self under oppression can be morally damaged, prevented from developing or exercising some of the virtues" (4). Tessman amends Aristotle's famously exclusionary model of virtue, however, such that "a trait that contributes to one's own well-being cannot count as morally praiseworthy if it detracts from the flourishing of an inclusive social collectivity" (7). Therefore, even a virtuous person under the conditions of oppression will sometimes exhibit "burdened virtues, virtues that have the unusual feature of being disjoined from their bearer's own flourishing" (4), something not thought possible by Aristotle. For example, an oppressed woman may be morally correct in showing "the kind of anger that would normally be quite wrong but that under the extraordinary conditions of oppression are actually morally recommended" (8). Such an act will be accompanied by a feeling of "agent-regret… [as she] takes at least partial responsibility despite lack of complete control" (12) over her situation. Often enough, given conditions of oppression and moral damage, the morally prescribed action will, if taken, lead to inner turmoil and conflict (similar to Aristotle's conception of the "pain" which accompanies acts of continence) (22).

of the dying process to become an (often unwelcome) *imperative to make choices* that directly affect when and how death will occur—whether through living wills and advance directives, decisions to withdraw treatment, or pursuing physician-assisted suicide or euthanasia. We might call this the burden *of* agency itself, a gradual shift in the human relationship with death from the passive to the active voice.[19] The question of whether such control, or responsibility, is desirable or not is a complex one. At this point it is enough to note that the shift I am describing will, at the very least, *feel* burdensome, to the degree that such novel decisions are morally complicated and existentially fraught for those who have to make them. In giving an account of how our agency became burdened in this way (§§2-4 below), some attention must be given to the rapid growth of medical technologies over the past century. Arguably more important, however, has been the gradual change in cultural assumptions about the nature of the body, its susceptibility to human control, the extent to which medicine might be expected to intervene in the dying process, and the influence of advanced capitalism and the pervasive consumer ethos to which it gives rise.

In addition to this first sense of burdening, the burden of having-to-choose, there is a second way in which moral agency is burdened when it comes to end-of-life decisions today. We might refer to this aspect as the "burden of *reflexivity*," by which I mean the added strain of making such choices in the absence of guiding social, cultural, or religious norms. It has often been noted that in pre-modern and early modern societies, the experience of dying was thoroughly ensconced in communal systems of meaning, which prescribed recognizable and largely predictable patterns of behavior.[20] In our own day, no longer guided by norms that are taken-for-granted, individuals are, more or less, left to self-consciously negotiate the experience of dying on their own.[21] To describe modern agency as "burdened," then, is also to highlight the way these decisions seem to labor under the existential "weight" of ambiguity, instability, and uncertainty that accompany highly reflexive moral action.[22] In

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My own concept "burdened agency" shares this sense of inner turmoil and even regret. It is also similar in that agency, like virtue, is normally considered to be an unambiguous good—but I hope to show as Tessman has that neither is *necessarily* ingredient to one's well-being and flourishing. One difference between our accounts lies in my characterization of "burdened agency" as a typical feature of modernity rather than a constitutive aspect of moral life as such.

[19] This shift is expressed very nicely in a quotation of Lois Jaffe: "A sixth stage of dying, responsibility, may well follow Kübler-Ross's fifth stage of acceptance. Acceptance conveys passive assent, whereas responsibility implies an active state of doing something about one's situation." From Lois and A. Jaffe, "Terminal candor and the coda syndrome: A tandem view of terminal illness," in *New Meanings of Death*, ed H. Feifel. (New York: McGraw-Hill, 1977), 210.

[20] See, e.g., Philippe Ariès, *The Hour of Our Death,* trans. Helen Weaver (New York: Random House, 1981), and Philippe Ariès, *Western Attitudes Toward Death: From the Middle Ages to the Present* (London: Marion Boyars, 1976).

[21] The meaning of the word "individuals" in this sentence is intentionally capacious, and can be taken to refer to the individual who is dying, individual friends or family members who care (well or badly) for someone as they approach death, or individual physicians and nurses who are asked to intervene in various ways along the way.

[22] What I am trying to describe here is something like the moral equivalent of being asked to "pull oneself up by one's bootstraps," or, to change the metaphor, to pluck morally sound decisions "out of thin air." This is an admittedly blunt

the fifth section of this chapter (§5), I will discuss the sociological phenomenon of the "sequestration of death" which provides the context for a discussion of the notion of reflexivity in the sixth section (§6).

In short, this chapter seeks to show how human agency, once largely considered to be passive in the face of death, is increasingly asked to take control of the conditions of dying—at the very moment that the social institutions that could provide guidance for such agency are gradually fragmenting. We live under a paradox. On the one hand, death has never been more strange and foreign to human experience. On the other hand, modern medicine succeeds in placing the conditions of our dying directly into human hands. How to cope with this new moral responsibility in an age of moral confusion will be the task for an aging population.[23]

In order to forestall an obvious objection to what follows, let me be perfectly clear at the outset that nothing in what follows should be taken as a rejection of modern medicine, which is the source of innumerable benefits to humankind. Modern medicine has expanded not only the average human life span, but also the average number of healthy years. On the whole, people today live longer, healthier lives than ever before, a fact for which I am truly grateful.[24] When I speak about coping with the problem of "burdened agency," I do not mean to imply that the solution should be the *unburdening* of agency, if by that is meant a return to pre-modern forms of dying. I consider that both impossible and undesirable. Nevertheless, an appreciation for the benefits we enjoy should not preclude an honest investigation of the moral ambiguities of our situation. Such an investigation is the first step in addressing the particular challenges we face. It is to this task that I now turn.

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way to put it, and must be qualified and tempered in important ways, but it at least begins to point to the phenomenon I am trying to describe in this chapter.

[23] The United States, in particular, is experiencing rapid population aging. According to the Congressional Research Service, "the population aged 65 and older has been increasing as a percentage of the total U.S. population. The older population represented 8.1% of the total population in year 1950. That percentage increased to 12.8% in 2009, and is projected to reach 20.2% in 2050. Stated another way, one in five persons in 2050 will be aged 65 or older." Laura B. Shrestha and Elayne J. Heisler, "The Changing Demographic Profile of the United States," *CRS Report RL32701*, March 31, 2011, accessed November 27, 2012, www.fas.org/sgp/crs/misc/RL32701.pdf. According to a 2005 report of the President's Council on Bioethics, we can expect an even more radical increase in the population demographic known as the "old-older" (>85). The report projects "Between 2000 and 2050, the population of Americans age 45 to 64 is expected to grow modestly from 61 million to 85 million while the population 65 and over is expected to grow from 34 to 79 million, with the cohort 85 and above *more than quadrupling*, from 4 million to 18 million," *Taking Care: Ethical Caregiving in Our Aging Society*, 205.

[24] See President's Council on Bioethics, *Taking Care*, 1.

§2. Dying Before Modernity

How is it that our agency came to be burdened by the prevalence of choice described above? What are the material and cultural factors that have contributed to the burdening of agency in this way? In this section I will offer a just-so story about the rise of modern medicine and its effect on the dying process. In his classic study, *How We Die*, Sherwin Nuland noted how "every scientific or clinical advance carries with it a cultural implication, and often a symbolic one."[25] Nuland's insight is important. Naturally, advances in medical technology change the way we die, but arguably more important are the deeper assumptions that accompany these technologies—assumptions, for example, about the nature of the body, the place of sickness and death in a good human life, and the appropriate limits (or absence of limits) of human control. For these not only affect the material conditions, but also the existential and psychological experience, of our dying. Moreover, cultural assumptions feed back to influence the development and use of new technologies and new institutional structures that provide the context for human experience. The two realms, what we might call the material and the ideal,[26] exist in dialectical relationship in which each influences the other, so an analysis of a phenomenon such as the modern experience of dying, should include attention to both structural and cultural realities in their complex interrelationship.[27] The current chapter focuses primarily on the material realm and the following chapter focuses primarily on the ideal, but the two should be read together as an interrelated analysis of the same phenomenon.

Perhaps the most widely cited historical study on death and dying, Philippe Ariès's *The Hour of Our Death*, makes the claim that dying was once "tame" and has now become "wild." He gives the following example of a tame death: "In 1874, [Madame Pouget] contracted a summer cholera. After four days she asked to see the village priest, who came and wanted to give her the last rites. 'Not yet, Monsieur le Cure; I'll let you know when the time comes. Two days later: 'Go and tell Monsieur le Cure to bring me Extreme Unction."[28] In this very short anecdote there are two discernable elements

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[25] Sherwin B. Nuland, *How We Die: Reflections on Life's Final Chapter* (New York: Alfred A. Knopf, Inc., 1993), 254.
[26] This terminology is deeply indebted to Max Weber: "Not ideas, but material and ideal interests, directly govern men's conduct. Yet very frequently the 'world images' that have been created by 'ideas' have, like switchmen, determined the tracks along which action has been pushed by the dynamic of interest." See Max Weber, et al. *From Max Weber: Essays in Sociology* (London: Routledge, 2001); see also Jonathan Eastwood, "The Role of Ideas in Weber's Theory of Interests," *Critical Review* 17:1-2 (2005): 89-100.
[27] On the dialectical relationship between culture and institutions, with specific reference to the creation of authority and legitimacy, see Paul Starr, *The Social Transformation of American Medicine* (New York: Basic Books, Inc., 1982), 8-9.
[28] Quoting J. Guitton, in Ariès, *The Hour of Our Death,* 10.

of a tame death: "familiar simplicity" and a "public," or, perhaps better, "social" nature.[29] In what sense was Madame Pouget's death familiar or simple? For Ariès, "familiarity" refers both to the fact that people were more likely to encounter the dead and dying during their lives, and to the fact that they were more likely to know what to do when such encounters occurred. Madame Pouget's was a death forewarned by physical symptoms, "which initiated a 'ritual moment' of preparation for dying… [a] highly social, choreographed event."[30] Daniel Callahan notes the considerable advantage of such familiarity in "the comfort of knowing how to behave publicly in the presence of death—what to say, how to compose one's face, to whom to speak, and when to speak."[31]

In addition to making death familiar, the initiation of ritual also made it social. When death seemed imminent, the dying person would gather his or her children and family around the bed and would offer final instructions and farewells. According to Ariès, such a death was "always public… The dying person must be the center of a group of people."[32] With the priest present, he or she would perform various rites, such as "the profession of faith, the confession of sins, the pardon of the survivors, the pious dispositions on their behalf, the commendation of one's soul to God, [and] the choice of burial."[33] In the late middle ages, these practices were compiled in wildly popular pamphlets called *ars moriendi* ("the art of dying"), which instructed lay Christians in the "etiquette of proper dying."[34] This liturgy completed, the dying person would simply wait for death to arrive, as would the family members and friends who were able to do so. "All of this prescribed activity [took] place at the bedside, preferably in a crowded room filled with onlookers" who would thereby receive a good example for their own dying.[35] In contrast to this "tame death," what medieval people feared above all was a sudden or secret death. To die suddenly or in isolation "was a vile and ugly death; it was

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[29] Ariès, *The Hour of Our Death*, 18.
[30] James W. Green, *Beyond the Good Death: The Anthropology of Modern Dying* (Philadelphia: University of Pennsylvania Press, 2008), 5.
[31] Daniel Callahan, *The Troubled Dream of Life: Living with Mortality* (New York: Simon & Schuster, 1993), 33.
[32] Ariès, *The Hour of Our Death*, 18-19.
[33] Ariès, *The Hour of Our Death,* 18.
[34] One example is William Caxton's *The Arte & Crafte to Know Well to Dye*, written in the late 15th century. In this volume, one finds instructions on planning a "well-managed and well-mannered death," resisting common temptations, and affirming or reaffirming Christian faith. See Green, *Beyond the Good Death*, 6. Cf., David William Atkinson, *The English* Ars Moriendi (New York: P. Lang, 1992).
[35] Green, *Beyond the Good Death,* 6. There is, however, an irony here, which has not been widely acknowledged. For, as Charles Taylor notes, this highly choreographed and social script is reflected a spirituality of death that arose in early medieval European society, and was reinforced by mendicant preaching. This new stance emphasized the deathbed as the scene of individual judgment, and therefore, represented "both a Christianization, and an individuation" of dying. The implication is that the practices of dying in this pre-modern age contained the seeds for its eventual erosion. See Charles Taylor, *A Secular Age* (Harvard: The Belknap Press of Harvard University Press, 2007), 65-70.

frightening. It seemed a strange and monstrous thing that nobody dared talk about."[36] Such a frightening prospect, according to Ariès, has now become the norm. We are now likely to hope for a sudden death, to die "peacefully in our sleep." Death in the hospital, is often lonely, secret, alien, and unwieldy—in short, "wild."

One additional point is, perhaps, in order with regard to the "public" or "social" nature of Ariès' "tame death." It might be argued that death in the modern hospital is characteristically *more* public than a death in the home, for there is a greater chance that one will die in front of a group of people. One thinks of the steady stream of nurses, medical students, residents, and specialists that are likely to cycle through one's hospital room on any given day. Such an argument, however, neglects the fact that a death in front of strangers is, for all practical purposes, as solitary as a death in isolation. It is not, then, the mere presence of other people that makes death social or public, but the nature of one's relationship to those others. The distinction can be seen in the following description by Hans–Georg Gadamer:

> The real depersonalization of death reaches deeper still in the modern hospital. Alongside the loss of any public representation of what takes place, the dying and their relatives are removed from the domestic environment of the family. Death is thereby adapted to the technological business of industrial production. Looking at these changes, we can see that dying has become one of the innumerable processes of production within modern economic life, albeit a negative one.[37]

Gadamer here illustrates the qualitative change in the type of relations experienced by patients in the modern hospital. Using a distinction common in sociological literature, we might say that modern medicine facilitates a shift from *Gemeinschaftlich* relations to *Gesellschaftlich* relations. The former are based on personal relations and affective bonds; the latter are based on impersonal factors like market or bureaucratic forces (Gadamer's "industrial production").[38] The sociality that Ariès points to, which is missing in the idea of a "wild" death, is that of *Gemeinschaft*. A *Gesellschaftlich* death is, nevertheless, both lonely and wild, even if the dying person is not technically alone.[39]

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[36] Ariès, *The Hour of Our Death*, 11.

[37] Hans-Georg Gadamer, *The Enigma of Health: The Art of Healing in a Scientific Age*, trans. Jason Gaiger and Nicholas Walker (Stanford: Stanford University Press, 1996), 62.

[38] See Ferdinand Tönnies, *Community and Civil Society,* ed. José Harris (Cambridge: Cambridge University Press, 2001).

[39] Something of this dynamic is portrayed by Wendell Berry in his essay "Health is Membership": "In the hospital what I will call the world of love meets the world of efficiency-the world, that is, of specialization, machinery, and abstract procedure. Or, rather, I should say that these two worlds come together in the hospital but do not meet. During those weeks when John was in the hospital, it seemed to me that he had come from the world of love and that the family members, neighbors, and friends who at various times were there with him came there to represent that world and to preserve his connection with it. It seemed to me that the hospital was another kind of world altogether… In the world of love, things separated by efficiency and specialization strive to come back together. And yet love must confront death, and accept it, and learn from it. Only in confronting death can earthly love learn its true extent, its immortality. Any definition

Medical sociologist Allan Kellehear provides two points of critique to Ariès' account, which we would do well to heed. First, Kellehear claims that Ariès's conflates medieval European experience with a general notion of "tradition" or "traditional death."[40] According to Kellehear, "the story of the influences on our present-day dying do not stretch merely to the Middle Ages but to our deeper, primordial links with early humans and their biological and social inheritance with all animals."[41] Accordingly, rather than offering a binary opposition between "traditional" and "modern" dying, Kellehear highlights four death-styles prominent across various eras of human history, beginning with the hunter-gatherer societies of the Stone Age. It is not necessary to rehearse the details of Kellehear's study here, but we may note two important contributions of Kellehear's broad-historical approach. First, Kellehear highlights the relationship between available epidemiological data and cultural responses to death and dying. So, for instance, he demonstrates how the advent of early settlement societies gave rise to the type of dying (characterized by early warning signs) that made possible the ritualization of death characteristic of the medieval *ars moriendi*.[42] Rituals such as those described by Ariès were not universal in pre-modern societies, and were, in fact, impossible before an agricultural and pastoral age.[43]

Second, Kellehear challenges an easy distinction between pre-modern dying as strictly "passive" and modern dying as strictly "active."[44] He notes, "[i]n every period of human history and

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of health that is not silly must include death. The world of love includes death, suffers it, and triumphs over it. The world of efficiency is defeated by death; at death, all its instruments and procedures stop. The world of love continues, and of this grief is the proof." See Wendell Berry, "Health is Membership," in *The Art of the Commonplace: The Agrarian Essays of Wendell Berry* (Washington D.C.: Counterpoint Press, 2002).

[40] Allan Kellehear, *A Social History of Dying* (Cambridge: Cambridge University Press, 2007), 173 ff.

[41] Kellehear, *A Social History of Dying*, 5.

[42] Kellehear notes that in the earliest human societies, as far as we can tell, death was generally sudden and traumatic, leaving little to no time for preparation or anticipation. Ritual activity, performed by kith and kin, typically occurred *after* biological death, in order to aid one in some sort of otherworldly journey (25 ff). It is not until the rise of agricultural and pastoral societies that a new pattern of dying arose. The combination of longer life-spans (due, in large part, to increased caloric intake) and the rise of parasitic and infectious diseases (due, in large part, to cohabitation with animals) meant that "most people could now see death coming. Not just survivors could participate in a dying process but, for the first time in human history, dying people could actively participate in this short and final period of their life" (80). The slowing down of death opened up space for its ritualization in life, and brought in, even if only to a relatively small degree, an element of human participation. By extension, death now had a moral valence it once lacked: a good death in peasant societies would be marked by a level of "preparedness" necessary to re-inscribe order and meaning within society.

[43] There were also certain *theological* preconditions that had to be met in order for the development of the Christian *ars moriendi* to make sense. These include an understanding of Christ's death as exemplary and of the "death bed as the site of a final drama in which the eternal fate of the individual would be settled." Michael Banner notes that before these theological developments Christians seemed to have been uninterested in providing a specifically Christian way of dying, largely following the common practices of late-Antique Roman society. See Michael Banner, *The Ethics of Everyday Life: Moral Theology, Social Anthropology, and the Imagination of the Human* (Oxford: Oxford University Press, 2014), 109 ff. Cf., Ariès, *The Hour of Our Death*, 105.

[44] On this point, Kellehear explicitly challenges Zygmunt Bauman who, following Ariès, "identifies tame death too readily with passivity… [and] reduces the image of dying before the modern era to a passivity that is extreme and therefore

in every society that promoted a certain style of dying—as otherworldly journey, good death or well-managed death—dying people and their entourage were active players over one or several 'sites' in the dying experience."[45] Notice in this quotation the various analytical distinctions at play. Kellehear refers to dying people *and* their "entourage." These, at various times, presumably include immediate and extended family members, tribal or community affiliations, caretakers, physicians, legal or funeral professionals, and others. He also points to different "sites" in the dying experience. This may include the actual moment of biological death, but also the community's experience of grief and loss, the burial or disposal of remains, practices of remembrance, deathbed rituals, preparation for post-mortem judgment or an otherworldly journey, passing on of possessions, and management of medical care. It will be important to keep such distinctions in mind when shifting attention to the modern period.[46]

§3. Modern Medicine and the Road to the ICU

While physicians have been in existence since before Hippocrates (d. 370 bce),[47] it was not until well into the modern era that one stood better than a 50 percent chance of benefiting from an encounter with a medical professional.[48] The dramatic increase in medical effectiveness was a result of a number of factors, including increased knowledge about the human body through autopsies, the rise of medical technology, and, most importantly, proper sanitation after the development of germ theory. In this section I do not intend to fully document the rise of modern medicine, but rather to outline some of

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distorting of the human tradition of rising to the challenge each style of dying demands of us. The argument that we died passively in the past cannot pass without challenge for it artificially singles our modern dying as heroic when, in fact, all dying people attempt to address the challenges revealed to them by their own culture and times." Kellehear, *A Social History of Dying*, 181-182. Cf. Zygmunt Bauman, *Mortality, Immortality and Other Life Strategies* (Cambridge: Polity, 1992), esp. 97.

[45] Kellehear, *A Social History of Dying*, 181.

[46] These insights, however, do not invalidate Ariès's important historical work or his basic characterization of the changes that occurred with modernity and modern medicine. Though Kellehear's account offers a somewhat more nuanced and fine-grained analysis, the overall thrust of his story follows Ariès' account surprisingly closely, given his outright criticism of the latter's work. Though he takes a broad-historical approach, he outlines only four styles of dying, two of which can be described as, basically, pre-modern and two which are characteristically modern. For this reason, I find it reasonable to focus my analysis on the changes that have marked the transition from late medieval to early and late modern West.

[47] In fact, "The earliest recorded physician in the world is also credited to ancient Egypt: Hesyre, "Chief of Dentists and Physicians" for King Djoser in the 27th century BC." See Aly Saber, "Ancient Egyptian Surgical Heritage," *Journal Of Investigative Surgery* 23:6 (December 2010): 327-334. *Legal Collection*, EBSCO*host* (accessed May 14, 2015).

[48] Furthermore, before the 18th century, the idea that it was a physician's duty to save or prolong life would have been incomprehensible. See Darrel W. Amundsen, "The Physician's Duty to Prolong Life: A Medical Duty Without Classical Roots," *The Hastings Center Report* 8:4 (1978): 23-30. Cf., Allen Verhey, *The Christian Art of Dying: Learning from Jesus* (Grand Rapids: William B. Eerdmans Publishing Company, 2011), 4.

the socio-cultural implications of the rapid technological and medical advances of the 18th-21st centuries. With the rise of medical technology during this period, not only the biological but also the social nature of death changed dramatically.

One thing to note about the rise of modern medicine is that it entailed certain changes in the relationship between physician and patient. Medical historian Stanley Reiser notes several important features of medicine in the early modern period (i.e., 17th c.). First, for those who could afford it, medical care took place almost exclusively in the home of either the physician or of the patient.[49] Second, the primary technique for medical diagnosis was personal narrative, with observation and physical examination following only in rare cases. Because of standards of decorum, physical interaction through touch would be limited, especially for patients who were women. Sometimes, in order to avoid difficult travel, physicians would diagnose illnesses and prescribe treatment through the mail, based solely on the narrative offered by the ailing patient. According to Reiser, the physician's relationship to the patient during this period was that of "listener or interrogator… [rather than] detached observer."[50]

New approaches to medical diagnosis would alter this relationship. According to Reiser, "in the 18th century, the physician began increasingly to use manual techniques," rather than verbal or visual techniques, to make a diagnosis.[51] Parting ways with the medieval medical theory of "humours,"[52] physicians gradually adopted a theory of "anatomically localized pathology." According to the new anatomical view, diseases reside in particular bodily tissues. Accordingly, the best way to diagnose an illness is through a direct physical examination of the diseased area, initially, for example, through a method called "'percussion'—striking the body with the fingers to produce sounds indicating the vitality of underlying organs."[53] A further change occurred with the invention of the stethoscope in 1816. According to Nuland, this introduced a mechanical intermediary "by which

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[49] This did not mean, however, that it was a private affair, in the sense of being excluded from broader social relations. In fact, the physician's visit "was both a social and medical event. He was customarily invited to dine, and if the illness was serious he might reside for several days in the patient's home." Stanley Joel Reiser, *Medicine and the Reign of Technology* (New York: Cambridge University Press, 1978), 5.

[50] Reiser, *Medicine and the Reign of Technology*, 2. Notably, listening and interrogation remain the primarily methods of examination in the contemporary practice of "nursing diagnosis." See Lynda Juall Carpenito, *Nursing Diagnosis: Application to Clinical Practice*. 14th ed. (Wolters Kluwer Health/Lippincott Williams & Wilkins, 2013).

[51] Reiser, *Medicine and the Reign of Technology*, 22.

[52] According to this theory, a healthy body was composed of a balance of four substances, or "humours"—blood, phlegm, black bile, and yellow bile. Any illness was thought to be a result of an imbalance of these substances spread throughout the body. Medical treatment (e.g. bloodletting or leeching) was aimed at restoring the proper balance.

[53] Reiser, *Medicine and the Reign of Technology*, 20. It should not, perhaps, surprise us that the adoption of this very touch-oriented theory of anatomical medicine (from *ana*-"up" + *temnein*-"to cut") coincided with a dramatic increase in post-mortem autopsies.

physicians came to distance themselves from their patients."[54] Moreover, the stethoscope brought the physician into a world of sounds that the patient herself could not hear.

The trajectory of technological alienation between physician and patient continued throughout the 19th century. The invention of the ophthalmoscope, laryngoscope, and X-ray machine allowed physicians, for the first time, to peer into the human body without having to cut it open. Sight, once again, began to eclipse sound, but the observation process now took place *technologically*. X-ray, especially, changed the method of examination. With the X-ray the physician no longer needed the patient in front of him or her to carry out an evaluation of the disease.[55] The development of the microscope, which led to advances in cellular pathology and bacteriology, also aided in making the patient's presence unnecessary; all that was needed was a sample of some bodily tissue or fluid from the patient. As Reiser suggests, the depersonalization of medicine is perhaps nowhere more apparent than with the development of statistical medicine in the late 19th century: "The conversion of physiological signals generated by respiration, circulation, and heat production, into graphs and numbers, allowed physicians to obtain clear and accurate records… to free these signals from the limitation of private analysis… and open them to group inquiry; to make them objective and invest them with unambiguous meanings that were evident to all physicians."[56]

The estrangement of the patient from the physician occurred alongside of, and probably encouraged, a changing view of the human body. Jeffrey Bishop, drawing heavily on the work of Michel Foucault,[57] argues that such changes amounted to the body's objectification and mechanization. Bishop's *The Anticipatory Corpse* argues that modern medicine came to came to see the body as "matter in motion" because its epistemology was grounded in the "decontextualized dead body."[58] The story Bishop tells is detailed and complex, and we may only recount it here in abbreviated form. Bishop builds on Foucault's work on the rise of "discourse" in medicine through a separation of the symptom (the subjective experience of a disease) from the sign (the objectively verifiable and observable indication of a disease). According to Foucault, this shift placed the patient under the

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[54] Nuland, *How We Die*, 254.
[55] Reiser, *Medicine and the Reign of Technology*, 68.
[56] Reiser, *Medicine and the Reign of Technology*, 121.
[57] Especially, Michel Foucault, *The Birth of the Clinic: An Archaeology of Medical Perception* (New York: Pantheon Books, 1973).
[58] Jeffrey P. Bishop, *The Anticipatory Corpse: Medicine, Power, and the Care of the Dying* (Notre Dame: University of Notre Dame Press, 2011), 15.

"penetrating gaze" of the physician, who now applied analytical techniques to decipher the signs of disease.[59]

Bishop extends Foucault's account by explicitly connecting the physician's gaze with the early adoption of the practice of post-mortem autopsy:

> the techniques of the clinic elicited what could only have been known definitively through dissection of the body. The analytic technique acts in the same manner as the autopsy. Both reveal disease; the violence of the penetrating gaze is an analogue to the violence of opening the corpse. The new normative object, the dead body, comes to represent the patient's living body, claims Foucault. The patient, who was the absolute subject of the disease, *has now become the object* against which both the gaze and the analytic probing of the doctor are now directed.[60]

Human bodies are dynamic. They are constantly and unpredictably changing, and are therefore insufficient foundations for scientific knowledge, which stresses reproducibility and measurability. With the autopsy, medical professionals believed that they had discovered a static, observable, manipulable, and measurable object of study: the dead body. The truth, of course, is that the body is never static, not even in death. Nevertheless, Bishop notes, "the dead body is [still] the object from which medical students will learn in order to be of service to others whom they hope to keep alive… The medical study of life originates with a … dead body."[61] This is important because the myth of the dead body as the stable foundation for medical knowledge encouraged "certain notions of causation over others and deploy[ed] practices that shape, direct, and enforce what we call care."[62] Specifically, it encouraged an understanding of "life" as a "series of functions that resist death."[63] Sustaining life, on this view, is a matter of intervening in prior efficient causes, typically by replacing the failing body part with a mechanical or "donated" substitute. It's easy to see how this understanding of life encouraged a mechanistic understanding of the body and a form of medicine governed by "the world of efficiency—the world, that is, of specialization, machinery, and abstract procedure."[64]

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[59] Foucault's account of the movement from traditional medicine to "anatomo-pathological" medicine closely tracks Reiser's account above.

[60] Bishop, *The Anticipatory Corpse*, 55. Emphasis added. While popular sentiment initially resisted the supposedly "ghoulish" practice of autopsy, many medical practitioners urged its acceptance. One can sense the urgency and excitement surrounding the practice of autopsy at the turn of the 19th century in the following quotation from French physician Marie-Francois-Xavier Bichat: "You may take notes, for twenty years, from morning to night at the bedside of the sick… and all will be to you only a confusion of symptoms, which, not being united in one point, will necessarily present only a train of incoherent phenomena. *Open a few bodies*, this obscurity will soon disappear, which observation alone would never have been able to have dissipated." Quoted in Reiser, *Medicine and the Reign of Technology*, 19. Emphasis added.

[61] Bishop, *The Anticipatory Corpse*, 15.

[62] Bishop, *The Anticipatory Corpse*, 21.

[63] Bishop, *The Anticipatory Corpse*, 24.

[64] Wendell Berry, "Health is Membership," 125. On the body and the metaphor of the machine, see ibid., 149.

These changes in technology, diagnosis, and medical education each altered the relationship between patients and physicians. But more was needed for the logic of the ICU to become as entrenched in medicine as it has. One of the key factors for this change was the gradual development of novel attitudes toward human suffering and, especially, the role of medicine to prevent suffering and death.[65] "First, do no harm" is the justly famous injunction associated with the Hippocratic tradition of medical practice. But another line from the modern version of the Hippocratic Oath suggests a particular understanding of human suffering and the physician's role with respect to human suffering. For the Oath reads, "I will neither give a deadly drug to anybody if asked for it, nor will I make a suggestion to this effect."[66] Borrowing a phrase from Stanley Hauerwas, we might say this pledge has been understood in modern usage as a rejection of the temptation "to eliminate the sufferer… in the name of eliminating suffering."[67] The pledge implied a recognition that patients might be overmastered by their disease, but refused to use the medical art to draw their life to a premature close. The physician's role in this context, we might say, is palliative—not seeking to cure or to kill, but to aid the patient in whatever way possible.

It was Francis Bacon, with his rejection of the category of those "overwhelmed by their disease," who initiated a new understanding of the relationship between human suffering and human agency. Bacon complained that the common practice of "pronouncing … these diseases incurable gives a legal sanction, as it were, to neglect and inattention and exempts ignorance from discredit."[68] In the face of such apparent complacency, Bacon called upon medicine "to relieve and benefit the condition of man."[69] This included, for Bacon, the adoption of the extension of human life as an explicit goal of the medical enterprise. Demonstrating a fateful confluence of Enlightenment optimism, a Puritan theology of vocation, and an overly-realized eschatology, Bacon desired above all to see the realization of "The Great Instauration," the restoration of human dominion over nature,

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[65] We will revisit this point, in the context of Taylor's notion of "modern social imaginaries," in the following chapter.
[66] Cited in Verhey, *The Christian Art of Dying*, 27.
[67] Stanley Hauerwas, *Suffering Presence: Theological Reflections On Medicine, the Mentally Handicapped, and the Church* (Notre Dame: University of Notre Dame Press, 1986), 24. As was helpfully pointed out to me by Margaret Mohrmann, it is far from certain that the modern usage of this part of the Oath represents the concerns of Hippocratic physicians in 4th century BCE Greece. It is likely that in its ancient context, this injunction was rather a matter of avoiding hopeless cases so as not to sully a physician's reputation. During its revival in the mid-19th century, however, the Oath came to be understood largely in terms of more religious moral categories that reflected the Christian and Jewish context of mid-century America.
[68] Francis Bacon, "De Augmentis," in *The Works of Francis Bacon: Volume 4*, ed. James Spedding, Robert Leslie Ellis and Douglas Denon Heath (Cambridge: Cambridge University Press, 2011), 387.
[69] Francic Bacon, "The New Organon," in *The Works of Francis Bacon: Volume 4*, ed. James Spedding, Robert Leslie Ellis and Douglas Denon Heath (Cambridge: Cambridge University Press, 2011), 74.

which humanity forfeited in the fall.[70] It is in this context that we can best understand his aphorism "knowledge is power," for the power that mattered to Bacon was the power over nature insofar as nature subjects humanity to contingency, vulnerability, and futility. Of course, the greatest symbol of nature's dominion over humanity is death. Accordingly, the "great instauration" logically entailed death's defeat, its subjugation to human agency. Allen Verhey notes the consequence: "Physicians were enlisted on the side of life, fighting a messy but heroic battle against death."[71]

Theologian Gerald McKenney has labeled the resulting ideology "the Baconian Project." According to McKenney, the Baconian Project names the single-minded effort to relieve suffering and expand human choice. This mindset has become emblematic in the modern world, and has underwritten the repeated turn to medicine in order to actualize its goals. What is noteworthy about McKenney's analysis, at least for our purposes, is the relationship between the two goals of the Baconian Project. For, on this account, it is only in and through the enhancement of human agency, the multiplication of human choices, that the defeat of natural contingency, vulnerability, and suffering can occur. Such a celebration of the possibilities of human agency, however, comes with little recognition of agency's burden.

§4. The ICU and the Burden *Of* Agency

In many ways, the intensive care unit (ICU) epitomizes the success of technological interventions and points to the importance of the preceding story for understanding the contemporary burden *of* agency. In the ICU, "life" can, in many cases, be sustained almost indefinitely. This mechanical prolonging of bare life strikes many as a fate worse than death,[72] but modern medicine typically lacks the internal resources to put the brakes on. In fact, treatment in the ICU is often governed, in an apt phrase coined by philosopher Daniel Callahan, by the logic of "technological brinkmanship." Callahan notes,

> there has been a powerful clinical drive to push technology as far as possible to save life while, at the same time, preserving a decent quality of life. It is well recognized by now that, if medical

[70] See Stephen A. McKnight. *The Religious Foundations of Francis Bacon's Thought* (Columbia: University of Missouri Press, 2006), Chapter 2: "The Great Instauration."
[71] Verhey, *The Christian Art of Dying*, 31.
[72] Atul Gawande writes, "In 2008, the national Coping with Cancer project published a study showing that terminally ill cancer patients who were put on a mechanical ventilator, given electrical defibrillation or chest compressions, or admitted, near death, to intensive care had a substantially worse quality of life in their last week than those who received no such interventions. And, six months after their death, their caregivers were three times as likely to suffer major depression. Spending one's final days in an ICU because of terminal illness is for most people a kind of failure" See Gawande, "Letting Go," *The New Yorker* August 2, 2010. This essay reappears as the fifth chapter of Gawande's *Being Mortal: Medicine and What Matters in the End* (New York: Metropolitan Books, 2014).

> technology is pushed too far, a person can be harmed, that there is a line that should not be crossed. I define 'brinkmanship' as the gambling effort to go *as close to that line as possible* before the cessation or abatement of treatment.[73]

In order to mitigate the effects of such brinkmanship, "medicine's response is to create the patient as the master of her own body. She *must decide* whether to embrace or reject technology."[74] Accordingly, landmark cases in the early history of bioethics focused on patients' rights to deny life-prolonging treatments.[75] Such "right to die" cases focused public attention on the sometimes-exceedingly difficult task of opposing the inertia of technological medicine. They also firmly established in public consciousness the overwhelming importance and centrality of respect for the individual autonomy of patients.

Of course, as highly publicized incidents like the Terri Schiavo case make clear, the patient may not be capable of making decisions at the end of life. This is increasingly the case for a growing population of persons experiencing dementia or dementia-like symptoms.[76] There are complicated questions surrounding such surrogate decisions.[77] What qualifications are necessary for someone to serve as a surrogate decision maker? Are family members better suited to fulfill this role than health professionals or "impartial" advisors (e.g., hospital ethics committees or judges)? Upon what sort of criteria should such decisions be made? What role should a patient's previously stated desires and values play? Can they be overridden by judgments about a patient's current best interests? What role should quality-of-life judgments play and what are the relevant criteria for making such evaluations? What if there are disagreements among family members, or between family members and health care professionals?

Given these complexities, it is no wonder that there has been a strong push for the adoption and use of advance directives (sometimes called a "living will"). With an advance directive, a person takes the opportunity while still competent to specify in writing her preferences for treatment in the event that she should become incompetent, including specifying which medical treatments she would prefer to forego given the presence of relevant circumstances (e.g., "in the event that I am determined

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[73] Callahan, *The Troubled Dream of Life,* 40-41. The death of Mrs. Carver (above), is, perhaps, a textbook example of technological brinkmanship in action.
[74] Bishop, *The Anticipatory Corpse*, 25. Emphasis added.
[75] See, e.g., Dax's Case, featured in the documentary by Robert B. White, *Please Let Me Die: the Wish of a Blind Severely Maimed Burn Patient* (Galveston: University of Texas Medical Branch, 1974). See, also, the debate between Dax Cowart and Robert Burt, "Confronting Death Who Chooses, Who Controls?" *The Hastings Center Report* 28:1 (1998): 14-24.
[76] For relevant statistics, see President's Council of Bioethics*, Taking Care*, 12.
[77] See, e.g., the discussion in Beauchamp and Childress, *Principles of Biomedical Ethics,* 188-192, 226-241.

to be in a permanent vegetative state, all medical life-sustaining treatments shall be withdrawn"). Notably, aside from the fear of futile overtreatment, a common motivation for adopting a living will is the desire to avoid "burdening" loved ones with the responsibility for making difficult decisions, especially about the withdrawal of life-sustaining treatments.[78] According to the President's Council on Bioethics, "the concern… here is not that they might decide badly, but that the very responsibility to decide without explicit guidance would unnecessarily add to their anguish."[79] Unfortunately, advance directives are a notoriously ineffective means of guiding such decisions.[80] In the all too likely event that a living will fails to apply to a given situation, the designated proxy decision maker may be faced with the prospect of balancing judgments about what a patient *would have wanted* with judgments about *what is best* for her now. It is the futility of such judgments which leads Gilbert Meilaender, in an essay provocatively entitled "I Want to Burden My Loved Ones," to strongly support proxy decision-making (with a best-interest standard) over against reliance on a "living will" version of advance directive.[81] As noted in the previous paragraph, though, surrogate decisions are not

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[78] The recourse to language of "burdening" in such cases is reasonable evidence for the accuracy of the general category of "burdened agency" developed in this chapter.

[79] President's Council on Bioethics, *Taking Care*, 69. Some level of anguish is perhaps unavoidable, given the fact that such decisions almost always involve conflicts of *prima facie* moral obligations. According to Beauchamp and Childress, "Even the morally best action in the circumstances may still be regrettable and may leave a moral residue, also referred to as a moral trace" (*Principles of Biomedical Ethics*, 7th ed., 16).

[80] According to the President's Council on Bioethics, "Not only are living wills unlikely to achieve their own stated goals, but those goals themselves are open to question" (*Taking Care*, 55). For a description of the shortfalls of living wills see ibid., 70-88. See, also, Angela Fagerlin and Carl Schneider, "Enough: The Failure of the Living Will," *Hastings Center Report* 34:2 (2004): 30-42. It should be noted that in the years since the living will rose to prominence, there have been numerous attempts to produce advance directives that merge proxy decision-making with the prior designation of preferences by the individual. One such tool, often recommended by hospice programs, is the Five Wishes document. Five Wishes is a tool for prompting responses to questions like (a) the person I want to make care decisions for me when I can't; (b) what kind of medical treatment I want or don't want; (c) how comfortable I want to be; (d) how I want people to treat me; (e) what I want my loved ones to know. The tool not only helps physicians and proxy decision makers decide one one's behalf, but also prompts an important moment of reflection about values and goals of care that can fundamentally affect the way one engages with the health care system at the end of life. See https://www.agingwithdignity.org/five-wishes/about-five-wishes. See also Angelo Volandes, *The Conversation: A Revolutionary Plan for End-of-Life Care* (New York: Bloomsbury, 2015) and www.theconversationproject.com.

[81] Gilbert Meilaender, "I Want to Burden my Loved Ones," *First Things* 201 (March 1, 2010): 25-26. Meilaender's argument also rests on the conviction that, within the family, relationships of interdependence, even when burdensome, are preferable to relationships that emphasize individual autonomy. He writes, "Is this not in large measure what it means to belong to a family: to burden each other—and to find, almost miraculously, that others are willing, even happy, to carry such burdens? Families would not have the significance they do for us if they did not, in fact, give us a claim upon each other. At least in this sphere of life we do not come together as autonomous individuals freely contracting with each other. We simply find ourselves thrown together and asked to share the burdens of life while learning to care for each other." This is, of course, a highly-idealized account of family and filial responsibility. It does not adequately address the fact that women, on average, disproportionately bear the responsibility for care-taking (see, M. Navaie-Waliser, et. al., "When the caregiver needs care: The plight of vulnerable caregivers," *American Journal of Public Health* 92:2 (2002): 409–413; Family Caregiver Alliance. *Selected Caregiver Statistics: Fact Sheet*, 2001). The feminist axiom *the personal is the political* applies here. However, the critique of unjust family systems need not completely negate Meilaender's point. For the "bearing of one another's burdens" is here put forth as a moral standard for men as well as women. It would have been better for

unproblematic. Beyond the confusion regarding designation of surrogates and selection of criteria, there is also the issue of psychological distress on the decision-makers.[82] Furthermore, in highly stressful situations, where the knowledge and power differential between physicians and patients or surrogates is great, it is not always easy to determine where the agency of the physician ends and that of the patient or surrogate begins.

One thing, however, is clear: when "death [becomes] a medically-timed phenomenon,"[83] *someone* will be making a decision. As medical anthropologist Sharon Kaufman notes, "hospital treatment and hospital logic work to prolong life, stave off dying, and then *make death happen.*"[84] Increasingly, the manner and timing of one's death is a matter of deliberation and choice. Of course, the nature of the decisions will differ depending upon the nature of one's illness. Every common terminal disease belongs to a distinctive "illness trajectory," which necessitates characteristic types of choices and calls forth different modalities of care. Three trajectories, in particular, are common today. The "heroic measures" trajectory, most commonly associated with malignant cancers, involves a short period of evident decline. The typical treatment regime consists of aggressive curative therapy, followed by an almost complete withdrawal of treatment once it is determined to be futile. The "revolving door" trajectory is characteristic of heart diseases, like chronic obstructive pulmonary disease (COPD), and other organ failures.[85] Commonly, patients with these illnesses are repeatedly admitted to the hospital, where they are treated aggressively and then sent home. With each hospitalization, the patient experiences a dip in functional health which does not return to the previous level. This cycle may be repeated until the physicians are unable to revive the patient, or the patient or

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Meilaender to emphasize this fact, in order to counteract the tendency of some readers to perpetuate the currently unjust and patriarchal *status quo*.

[82] One creative attempt to mitigate the effects of such decisions is called ICU Story Web (www.icustoryweb.org), an online resource for facilitating the sharing of personal narratives, with the hope of reducing symptoms of post-traumatic stress disorder (PTSD), anxiety, and depression. For a description of the effects of moral distress and moral residue on health care professionals, see Elizabeth Gingell Epstein and Ann Baile Hamric, "Moral Distress, Moral Residue, and the Crescendo Effect," *The Journal of clinical ethics* 20:4 (2009): 330–342.

[83] Green, *Beyond the Good Death*, 48. The phenomenon of timed death was noted by Ivan Illich: "the middle class seized the clock and employed doctors to tell death when to strike." See Ivan Illich, *Medical Nemesis: the Expropriation of Health* (New York: Pantheon Books, 1976), 198.

[84] Sharon Kaufman, *And a Time to Die: How American Hospitals Shape the End of Life* (New York: Scribner, 2005), 59. Quoted in Green, *Beyond the Good Death*, 66. Emphasis added. One study found that 90 percent of deaths in the ICU were preceded by a decision on the part of the patient or surrogate to withhold or withdraw treatment. See T.J. Pendergast and J.M. Luce, "Increasing Incidence of Witholding and Withdrawal of Life Support from the Critically Ill," *American Journal of Respiratory Critical Care Medicine* 155:1 (1997): 15-20.

[85] See Scott Murray, et. al. "Illness Trajectories and Palliative Care," *British Medical Journal (BMJ)* 330:7498 (2005): 1007–1011. The names "heroic measures" and "revolving door" come from Bishop*, Anticipatory Corpse*.

family decides to forgo admittance to the hospital (e.g., by opting to die at home). Each of these trajectories accounts for roughly 20 per cent of all deaths in the United States.[86]

A full 40 per cent of all deaths today, however, follow a third "illness trajectory" that we might call "prolonged dwindling," characteristic of Alzheimer's disease or old age. This trajectory is marked by "progressive disability from an already low baseline of cognitive or physical functioning. Such patients may lose weight and functional capacity and then succumb to minor physical events or daily social 'hassles' that may in themselves seem trivial but, occurring in combination with declining reserves, can prove fatal."[87] The period of decline and dependency of this trajectory can last years, necessitating high levels of individual care, as well as open lines of communication regarding treatment priorities, allowing for a more suitable (gradual) transition from curative therapies to supportive and palliative therapies. Problematically, however, as noted, patients following this trajectory also often progressively lose the capability to act as fully autonomous agents. This increases both the need for, and complexity of, surrogate decision-making on the patient's behalf.

§5. The Sequestration of Death and Dying and the Loss of Cultural Aptitude

Pascal once remarked that we all die alone. His aphorism suggests that though we be surrounded by a group of people, each of us will have to die our own death. Today, the profundity of the statement is lost; in our own minds, we might expect to die, quite literally, by ourselves. [88] In contrast to previous ages, death in the hospital or nursing home, at least in modern-day America, is often a solitary affair.[89]

How did the shift from home dying to dying in the hospital occur? According to Guenter Risse, large hospitals like the ones we know today are a relatively recent phenomenon. Originating from late-medieval charitable houses, which sought to extend an explicitly Christian notion of *hospitalitas* to those in need, the modern "hospital's ideology, vision, and policies are the result of both converging and conflicting values and goals that change according to perceived social and health

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[86] See President's Council on Bioethics, *Taking Care*, 12-13. Cf., David Jones, et. al. "The Burden of Disease and the Changing Task of Medicine," *New England Journal of Medicine* 366 (2012): 2333-2338.
[87] Murray, et. al., "Illness Trajectories and Palliative Care," 1008.
[88] See Ariès, *The Hour of Our Death*, 19. Cf., Norbert Elias, *The Loneliness of the Dying* (Oxford: Basil Blackwell, 1985).
[89] Paul Starr argues that American hospitals tend to be "more private" than European hospitals both in terms of "individual experience (its visibility to other people) and the structure of institutions (their relation to the state)." When I speak of privacy, I mean to draw attention primarily to the former, more individual sense. According to Starr, this sense of privacy is reinforced by the commercial nature of the patient-physician relationship, and, interestingly, in the architectural design of American hospitals, which tend to have smaller, more personal accommodations and private space for treatment. See Starr, *The Social Transformation of American Medicine,* 147.

needs, political contexts, and economic fluctuations."[90] We have already noted the rise of one factor in the development of the modern hospital: namely the development of novel diagnostic and therapeutic tools. The anatomical theory of medicine and the increase in technological means of examination led to a rapid increase in *specialization* of medicine at the turn of the 20th century.[91] No single person could any longer have comprehensive knowledge of all anatomical and pathological data. Nor could any single person be expected to know how to use all the newest scientific instruments. This fragmentation of medical practice occurred alongside rapid urbanization. Soon the need was felt to organize physicians with different specialties into "cooperative practices." In urban areas, such centralization led to the formation of large hospitals and private practices, which were increasingly commercialized and bureaucratized.[92]

Relative to the "tame death" described by Ariès, death in the hospital is "hidden" and invisible, with tangible social implications. According to Nuland,

> The hidden death in the hospital began very discreetly in the 1930s and 1940s and became widespread after 1950… Our senses can no longer tolerate the sights and smells that in the early nineteenth century were part of daily life, along with suffering and illness. The physiological effects have passed from daily life to the aseptic world of hygiene, medicine and morality. The perfect manifestation of this world is the hospital… The hospital has become the place of solitary death.[93]

As the previous quotation suggests, there is a correlation between the physical isolation of the dying and the broader cultural discomfort with death and dying.[94] Already in the mid-1950s Geoffrey Gorer

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[90] Guenter B. Risse, *Mending Bodies, Saving Souls: A History of Hospitals* (Oxford University Press, 1999), 5. In this magisterial account, Risse "traces the evolution of the hospital from its initial role as a house of mercy, refuge, and dying in late Christian antiquity through its role as a house of rehabilitation at the time of the Renaissance, of cure in the 18th century, of teaching and research in the 19th century, of surgery after 1850, of science in the early 20th century, and of high technology in the late 20th century." Gary Ferngren, "Review: Mending Bodies, Saving Souls: A History of Hospitals," *New England Journal of Medicine* 341 (1999): 1480-1481.

[91] For what follows, see Reiser, *Medicine and the Reign of Technology*, especially ch. 7.

[92] In an important study, Paul Starr demonstrates how the "reconstitution of the [American] hospital" was driven by the medical practitioners' struggle for cultural authority and professional legitimization. According to Starr, "the mechanisms of legitimation (standardized education and licensing) and the mechanisms of dependency (hospitalization, gatekeeping, insurance) have given a definite structure to the relations of doctors and patients that transcends personalities and attitudes. This social structure is based, not purely on shared expectations about the roles of physicians and the sick, but on the institutionalized arrangements that often impose severe costs on people who wish to behave in some other way." See, Starr, *The Social Transformation of American Medicine*, 20-21.

[93] Nuland, *How We Die*, 255. According to Nuland, in 1950 half of all deaths occurred in a hospital. In 1958 the number rose to 61%, and then to 70% in 1970. Current estimates suggest that about 33% of all deaths occur in hospitals. The decrease is probably due to more people dying in nursing homes or hospice facilities, rather than in the home.

[94] One interesting historical fact possibly reinforces this connection: at the very moment that dying was moved into the hospital, changes in funerary customs were further segregating the realm of the dead from the realm of the living. According to Wood and Johnson, beginning as early as the 18th century, apparently motivated by concerns about "perceived health dangers involving the close proximity of the living and the dead… a massive displacement of cemeteries, particularly urban cemeteries, to outlying regions [i.e., outside the city-proper] was undertaken." The professionalization

noticed a contradictory impulse in modern Western attitudes toward death and dying. In an essay entitled "The Pornography of Death," Gorer likened the predominant view of death to the Victorian attitude toward sexuality: simultaneously obsessive and repressive, fascinated but unwilling to speak of it.[95] It was this curious combination that led Gorer to call death the modern "taboo."[96] As if to confirm Gorer's thesis, philosopher Josef Pieper demonstrated a "remarkable" tendency toward euphemistic speech about death and dying. In the modern vocabulary, says Pieper, "quite a few of the words seem intended *not* to name the reality of the thing [i.e., death], [but] rather to obscure it, make it unrecognizable and divert our attention to something else."[97] Furthermore, early studies suggested that the taboo-nature of death was substantiated in clinical practices.[98] A study by Fitts and Ravin showed that many physicians tended not to mention a patient's terminal cancer diagnosis, even if they had reason to believe the patient already had knowledge about it from another source.[99] Later, a 1961 study by Oken revealed that as many as 90 per cent of physicians preferred not to tell cancer patients about a terminal prognosis.[100] Of course, the idea of withholding such information will likely strike the contemporary reader as an outrageous affront to patient autonomy. That fact shows how far attitudes have come. But by no means have we shed the tendency to retreat from open discussion about death, even in a medical context. Between 1989 and 1994, researchers conducting the Study to Understand Prognoses and Preferences for Outcomes and Risks of Treatments (SUPPORT) demonstrated a severe lack of understanding of patient preferences on the part of physicians, as well as a higher than expected prevalence of pain and suffering in the last days of patients' lives. According to Dr. Joanne Lynn, one of the researchers, "…the problem was much more difficult than that doctors did not hear their patients' requests; it was that no one involved was talking about these subjects."[101]

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of funerals and interment also began at this time. By 1850 "private cemetery companies in effect had begun to take over from the Church the role of caretakers of the dead." See William R. Wood and John B. Williamson, "Historical Changes in the Meaning of Death in the Western Tradition," in *Handbook of Death & Dying*. Vol. 1. Ed. Clifton D. Bryant (Thousand Oaks: Sage Publications, 2003), 18.

[95] Geoffrey Gorer, "The Pornography of Death." In *Death Grief and Mourning: A Study of Contemporary Society* (Garden City: Anchor Books, 1967). The article was originally published in 1955.

[96] Of course, Tolstoy's haunting portrayal of *The Death of Ivan Ilyich* demonstrates that the tendency to remain silent about death was common at least as early as the 1870s. See, Leo Tolstoy, *The Death of Ivan Ilyich*, trans. Lynn Solotaroff (New York: Bantam Dell, 2004).

[97] Josef Pieper, *Death and Immortality* (New York: Herder and Herder, 1969), 23. For a survey of common euphemisms for death, see, ibid., 24 ff.

[98] See, e.g., Barney G. Glaser and Anselm L Strauss. *Awareness of Dying* (Chicago: Aldine Pub. Co, 1965).

[99] Fitts WT, Jr., Ravdin IS. "What Philadelphia Physicians Tell Patients With Cancer," *JAMA* 153:10 (1953): 901-904. doi:10.1001/jama.1953.02940270007002.

[100] Oken D. "What to Tell Cancer Patients: A Study of Medical Attitudes," *JAMA*. 175:13 (1961): 1120-1128. doi:10.1001/jama.1961.03040130004002.

[101] Quoted in Robert Burt, *Death Is That Man Taking Names: Intersections of American Medicine, Law, and Culture* (Berkeley: University of California Press, 2002), 109.

In fact, recent studies indicate that patients and physicians engage in a mutual process of active collusion in avoiding talking about death and dying.[102]

Sociologist Anthony Giddens has argued that dying today is emblematic of the broader, characteristically modern, tendency toward the "sequestration of experience." By "sequestration," Giddens means "the separation of day-to-day life from contact with experiences which raise potentially disturbing existential questions—particularly experiences to do with sickness, madness, criminality, sexuality, and death."[103] The effect of the sequestration of illness and death "means that, for many people, direct contact with events and situations which link the individual lifespan to broad issues of mortality and finitude are rare and fleeting."[104] As a result, many people's understanding of illness and death is filtered through popular media (novels, movies, video games, etc.) rather than direct experience. Such "experience," needless to say, does not lead to the sort of familiarity with death that Ariès claims is typical of pre-modern societies, but rather to a false, abstract, and sensationalized familiarity.[105]

Further evidence of the sequestration of death can be found in contemporary funerary practices. According to Philip Mellor, "funeral rites have … ceased to be a concern for the community as a whole, becoming a private matter for the family and friends of the dead person… organized by a professional group of funeral specialists."[106] Mellor sees the modern confusion and awkwardness surrounding social interaction in hospital rooms and funeral parlors as an example of what happens when death is consistently hidden from sight. Modern people, Mellor suggests, suffer from what

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[102] See, e.g., The, Anne-Mei, et. al. "Collusion in doctor-patient communication about imminent death: an ethnographic study" in BMJ (2000); Drought, Theresa et. al. "'Choice' in End-of-Life Decision Making: Researching Fact or Fiction?" in *The Gerontologist* (2002); Karen Hancock, et. al., "Truth Telling in Discussing Prognosis in Advanced Life-limiting Illnesses: A Systematic Review," in *Palliative Medicine* 21 (2007), 507-517.

[103] Anthony Giddens, *Modernity and Self-Identity: Self and Society in the Late Modern Age* (Stanford: Stanford University Press, 1991), 244.

[104] Giddens, *Modernity and Self-Identity,* 8.

[105] According to William F. May, there are "two basic responses to the event of death in contemporary culture: concealment and obsession. Only the category of the sacred explains their connection." May, "The Sacral Power of Death in Contemporary Experience," *Social Research* 39:3 (1972): 463-488. An interesting story could be told about the relationship between the fundamental denial of death in late modernity and its reemergence in a sensationalized form through popular media. This is, of course, exactly what Philip Gorer meant by "the pornography of death." According to Gorer, "While natural death became more and more smothered in prudery, violent death has played an ever-growing part in the fantasies offered to mass audiences—detective stories, thrillers, Westerns, war stories, spy stories, science fiction, and eventually horror comics. There seem to be a number of parallels between the fantasies which titillate our curiosity about the mystery of sex, and those which titillate our curiosity about the mystery of death. In both types of fantasy, the emotions which are typically concomitant of the acts—love or grief—are paid little or no attention, while the sensations are enhanced as much as a customary poverty of language permits." See Gorer, "The Pornography of Death," 51.

[106] Philip A. Mellor, "Death in High Modernity: The Contemporary Presence and Absence of Death," in *The Sociology of Death: Theory, Culture, Practice*, ed. David Clark (Oxford: Blackwell Publishers, 1993), 21.

Arthur Gehlen called *Handlungsverlust*: the loss of the capacity to act. The resulting sense of inadequacy impedes social interactions, and further motivates the sequestration of death.[107]

Ironically, beginning in the 1960s, a number of books emerged which both affirmed Gorer's diagnosis of the taboo nature of death, and began to undermine that very same cultural reality. First Jessica Mitford's *The American Way of Death* excoriated the funeral industry of her day, which she saw as unduly exploitative, tapping into a commercialized, materialistic, and essentially death-denying vision of the American dream in order to sell unnecessary goods and services to grieving families. Only in America, she suggested, could we imagine the widespread and lucrative practice of embalming the dead in order to make them appear to be merely asleep.[108] Herman Feifel's *The Meaning of Death* offered the first inter-disciplinary study of death-related topics, and provided the impetus for the development of the academic field of death studies, or thanatology.[109] Elisabeth Kübler-Ross's wildly successful *On Death and Dying* brought death and dying into the public consciousness in an unprecedented way. In it, she proposed five stages of grief (notably beginning with denial and ending with acceptance), which are widely accepted by therapists and grief counselors today.[110] A number of works in sociology,[111] psychology[112] and historical studies[113] vigorously took up the theme of modern death-denial in the decades that followed.

The result of these efforts was an emergent "death awareness movement."[114] Largely as a result of this movement, it is no longer possible to claim that death is "taboo" in quite the same way that it

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[107] This is often exacerbated by the fact, as Meilaender points out, that "Patients who are unable to make decisions for themselves are often in a state (e.g., severely demented, comatose) in which they become strangers to us. They make us uneasy, and we react with ambivalence." See "I Want to Burden My Loved Ones." Meilaender is here drawing on the work of Burt, *Taking Care of Strangers.*

[108] Jessica Mitford, *The American Way of Death* (New York: Simon and Schuster, 1963). See also, Jessica Mitford, *The American Way of Death Revisited* (New York: Alfred A. Knopf, 1998), published shortly before her death.

[109] Herman Feifel, *The Meaning of Death* (New York: McGraw-Hill, 1965). Feifel's book would be followed by a series of more comprehensive anthologies, including Warren Shibles, *Death: An Interdisciplinary Analysis* (Whitewater: The Language Press, 1974); Peter Steinfels and Robert M Veatch ed. *Death Inside Out: The Hastings Center Report* (New York: Harper & Row, 1975); and Herman Feifel, *New Meanings of Death* (New York: McGraw-Hill, 1977).

[110] Elisabeth Kübler-Ross, *On Death and Dying* (New York: Macmillan, 1969).

[111] E.g., see Norbert Elias, *The Loneliness of the Dying.*

[112] Most famously, Ernest Becker, *The Denial of Death* (New York: Free Press, 1973). Becker's ideas later inspired the development of "Terror Management Theory." See, e.g., Shannon K. McCoy, Tom Pyszczynksi, Sheldon Solomon and Jeff Greenberg, "Transcending the Self" A Terror Management Perspective on Successful Aging," in *Death Attitudes and the Older Adult: Theories, Concepts, and Applications*, ed. Adrian Tomer, 37-64 (Philadelphia: Taylor & Francis, 2000). See also Solomon, Greenberg, and Pyszczynksi, *The Worm at the Core: On the Role of Death in Life* (New York: Random House, 2015); and Lucy Bregman, *Death In the Midst of Life: Perspectives On Death From Christianity and Depth Psychology* (Grand Rapids: Baker Book House, 1992).

[113] In addition to Ariès, see, e.g., Jacques Choron, *Death and Western Thought* (New York: Collier Books, 1973); Michel Vovelle, *La Mort Et L'occident, De 1300 À Nos Jours.* (Paris: Gallimard, 1983).

[114] Theologian Allen Verhey has characterized this movement as a "retrieval of Romanticism in protest against medicalized death." See *The Christian Art of Dying,* 56. While this is surely true, the movement's aims were wider than this, including the promotion of better funeral practices and the enhancement of individual autonomy in end-of-life decisions. For the history

was when Gorer first published his essay. Hospice and palliative care medicine, which stress openness and transparency between physicians and patients in discussing death, have enjoyed growing success since their advent in the 1960s and are now firmly within the mainstream of medical care. College courses on death and dying, from a variety of disciplinary perspectives, are common today.[115] Television shows and films focusing on themes of death and dying enjoy broad popular appeal.[116] Building on his classic *New Yorker* essay, "Letting Go," surgeon and author Atul Gawande's recent book, *Being Mortal* became an instant best-seller,[117] as have a number of memoirs on themes of death and dying.[118] Today, a small but growing number of people are even hosting "death cafes"—small, intimate gatherings that aim "to increase awareness of death with a view to helping people make the most of their (finite) lives."[119] These curious phenomena indicate a somewhat surprising openness surrounding issues of death and dying in contemporary culture. Nevertheless, it would be a mistake to conclude that most people are now comfortable talking about death, or, even less, being around those who are dying.

It would also be a mistake to conclude that as a result of "death awareness" the dying are no longer physically and socially sequestered from everyday experience. There is still an increasing "tendency for all persons now to die in situations of unparalleled isolation"[120]—whether literally, sequestered off in hospitals or nursing homes, or figuratively, when social conditions preclude meaningful conversation and interaction between family members. The nursing home, in particular, has been called a "zone of social abandonment."[121] That this is the experience of many who end up in nursing homes has been verified by anthropological studies like Jennifer Hockey's *Experiences of Death: An Anthropological Account.*[122] All too often, the regrettable effect of the isolation and sequestration of

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of the death awareness movement, see Lucy Bregman, *Beyond Silence and Denial: Death and Dying Reconsidered* (Louisville: Westminster John Knox, 1994); Kenneth J. Doka, "The Death Awareness Movement: Description, History, and Analysis," in *Handbook of Death & Dying.* Vol. 1., ed. Clifton D. Bryant, 50-56 (Thousand Oaks: Sage Publications, 2003).

[115] Doka, "The Death Awareness Movement," 52. See also, Christopher M. Moreman, *Teaching Death and Dying* (New York: Oxford University Press, 2008); Randy Pausch and Jeffrey Zaslow, *The Last Lecture* (New York: Hyperion Books, 2008).

[116] Recent examples range from the sacred (e.g., "The Diving Bell and the Butterfly) to the profane (e.g., HBO's hit show *Six Feet Under*) and everywhere in between (e.g., "The Fault in Our Stars," "The Bucket List," "Still Alice").

[117] Atul Gawande, "Letting Go," *The New Yorker* August 2, 2010; Gawande, *Being Mortal.*

[118] See, e.g., Paul Kalanithi, *When Breath Becomes Air* (New York: Random House, 2016); Christopher Hitchens, *Mortality* (New York: Twelve, 2012); Joan Didion, *The Year of Magical Thinking* (New York: Alfred A. Knopf, 2005); Joan Didion, *Blue Nights* (New York: Random House, 2011).

[119] For more, see www.deathcafe.com. In the first three years of existence, there have already been over 1,400 death cafes in 26 different countries. See Sophie Elmhurst, "Take Me to the Death Café," *Prospect Magazine* (Feb 2015). Accessed online http://www.prospectmagazine.co.uk/features/take-me-to-the-death-café.

[120] Mellor, "Death in High Modernity," 21. See also Norbert, Elias. *The Loneliness of the Dying.*

[121] Banner, *The Ethics of Everyday Life*, 122.

[122] Jennifer Hockey, *Experiences of Death: An Anthropological Account* (Edinburgh: Edinburgh University Press, 1990).

the aged is the accelerated decline of emotional and physical health—a paradigm instance of what Ivan Illich calls "specific diseconomy" or "counterproductivity."[123] It is as if, in the attempt to forestall and evade death, modern medicine ironically leads to a condition that prematurely mirrors the negative effects of death—namely, alienation from our bodies and communities.[124] The result, as Banner notes, is that "we have created an old age which for very many is bleak and lonely and during which their social deaths precede their bodily deaths by a number of years."[125]

§6. Deinstitutionalization and Reflexivity

In the handy, if inelegant, parlance of cultural sociology, death and dying has become burdened with "reflexivity" because it has been "deinstitutionalized." In order to understand what is entailed in this claim, it is necessary to know something about the specific theory of institutions that underlies it.

According to Berger and Luckmann, the roots of human culture are related to human physiology and development. The human being at birth is in a uniquely dependent position. Both physically and instinctually, the newborn is underdeveloped and premature.[126] All other animals live in "closed worlds," meaning that almost all of their interactions with the world are predetermined by an instinctual apparatus calibrated to a species-specific environment. "By contrast, man's [sic] relationship to his environment is characterized by world-openness…his relationship to the surrounding environment is everywhere very imperfectly structured by his own biological constitution."[127] Human beings suffer, we might say, from "instinctual-deficit disorder." Human life is fundamentally open-ended and, therefore, unstable. If humans had to operate solely based on biological and instinctual resources, the result would be anomic chaos. "The inherent instability of the human organism makes it imperative that man himself provide a stable environment for his conduct."[128] To provide this stable environment, human beings rely on habitual, communally recognized norms of action. These norms are created by society (externalization) before they are

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[123] Illich, *Medical Nemesis*, 211 ff.
[124] Cf., William F. May, *The Patient's Ordeal* (Bloomington: Indiana University Press, 1991), 9-14.
[125] Banner, *The Ethics of Everyday Life*, 122.
[126] According to Robert Bellah, the prematurity of human birth is linked to (a) the fact of bipedalism, which constricts the mother's birth canal, and (b) the link between increasing brain size and the advent of a diet of fruit and meat, occurring early in evolutionary history. For a fascinating account of how the prematurity of human birth lies at the basis of all sociality, see Robert N. Bellah, *Religion in Human Evolution: From the Paleolithic to the Axial Age* (Cambridge: Harvard University Press, 2011), esp. 122ff.
[127] Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (Garden City: Doubleday & Company, Inc., 1966), 15.
[128] Berger and Luckmann, *The Social Construction of Reality,* 50.

"experienced as an objective reality" (objectivation), and subsequently shape the next generation (internalization). Through this dialectical process, human beings fill the gap left by instinctual deprivation and give the world a sense of meaning and intelligibility that allows them to get on with the business of life.[129] Berger and Luckmann refer to this process as "institutionalization" and the norms which perform this function as "institutions."[130]

Institutions, in this very particular sense of the term, remove certain existential threats from the *foreground* of human experience (i.e. that part about which we think, ponder, and deliberate) and place them in the *background* (i.e. that part which may be taken-for-granted). Anthony Giddens has written about how this backgrounding—or "bracketing"—provides human beings with a sense of "*ontological security*."[131] According to Giddens, one of the defining marks of humanity is "reflexive awareness," the ability to know "both what one is doing and why one is doing it."[132] This ability is an asset to humanity, but if left unchecked, it can be potentially overwhelming. Were we unable to bracket out an almost infinite number of possible considerations, we would be overwhelmed by anxiety and unable to function. Because of this, humans must develop a "practical consciousness" that provides "ontological security" by moving a substantial proportion of human experience into the tacit realm.[133] "To be ontologically secure is to possess, on the level of the unconscious and practical consciousness, 'answers' to fundamental existential questions which all human life in some way addresses."[134] Practical consciousness, in other words, provides an existential cocoon by screening out the constant threat of irreality. Institutions, in Berger's sense, aid in the development of practical consciousness by providing

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[129] According to Berger, human institutions bear a special relationship to death and dying: "Every human society is, in the last resort, men banded together in the face of death." If the overriding effect of sociality is to give the individual a sense of meaning that has the force of instinct, then one of the greatest threats to the individual is meaninglessness. The "marginal situations" in life challenge the "sheltering quality of the social order" and threaten the individual with "unbearable psychological tensions." Death, according to Berger, is "the marginal situation *par excellence*." Death causes us to question the *ad hoc* nature of our social ordering, and thereby challenges the very foundation of our shared institutions. "Death radically challenges *all* socially objectivated definitions of reality—of the world, of others, and of self. Death radically puts in question the taken-for-granted, 'business-as-usual' attitude in which one exists in everyday life." Because death is an unavoidable aspect of life, "legitimations of the reality of the social world *in the face of death* are decisive requirements in any society." What is at stake here is not simply social control, but *reality* itself—that is, the power of the social apparatus to "constitute and to impose itself as reality." Historically, the dominant institution that made such legitimation possible was religion. The religiously defined "good death" placed even this most marginal situation in the context of a meaningful story of the human world. See Peter L. Berger, *The Sacred Canopy: Elements of a Sociological Theory of Religion* (New York: Anchor Books, 1967), 51, 22-23, 43-44, 12.

[130] Berger and Luckmann, *The Social Construction of Reality,* 51.

[131] Anthony Giddens, *Modernity and Self-Identity*, 36.

[132] Giddens, *Modernity and Self-Identity*, 35.

[133] Giddens speaks of "practical consciousness," rather than "institutions," but for our purposes these can be seen as synonymous.

[134] Giddens, *Modernity and Self-Identity*, 47.

channels by which we can move much of life out of the reflexive sphere (foreground) and into the taken-for-granted (background) sphere.

Notably, this means that some amount of death "denial" is a normal, and probably necessary, aspect of the human condition. This was the argument of Ernst Becker, who followed Freud and Otto Rank in arguing that death denial was at the root of all human culture.[135] Because humans are unique in their awareness of their vulnerability, fragility, and ultimate mortality, they uniquely experience anxiety about finitude. It isn't so much that we are afraid of dying at any particular moment, but rather we have a generalized sense of dread that does not fix upon a particular object, but is ultimately linked to our vulnerability and mortality.[136] In order to escape the anxiety this awareness produces in us, we devise cultural strategies of avoidance. In particular, thought Becker, we invest our being in projects that aim at permanence. Often this takes the shape of identifying the self with one or another "immortality system" (be it a religious group, political system, or ideological construct), which we invest with ultimate meaning.[137] We need not adjudicate between this understanding of the role of cultural institutions (i.e., screening out awareness of mortality by identifying with that which transcends individual existence) and the understanding given by Giddens and Berger (i.e., screening out awareness of mortality through the creation of cultural institutions which reinforce meaning in the face of death), for the two are not mutually exclusive and may both be true. In any case, each account emphasizes the importance cultural institutions play in the human response to death.

While institutionalization is a necessary aspect of human existence, it does not follow that it is an irreversible phenomenon. *Deinstitutionalization* can and does occur. This happens when "the institutional fabric… [becomes] incohesive, fragmented and thus progressively deprived of plausibility."[138] When this occurs, two things follow. First, the onus for meaning-making is placed on

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[135] See Becker, *The Denial of Death*.

[136] Interestingly, both Giddens and Becker refer the Kierkegaard's use of the concept of "dread" to describe this phenomenon. See Søren Kierkegaard, *The Concept of Anxiety: A Simple Psychologically Orienting Deliberation On the Dogmatic Issue of Hereditary Sin* (Princeton: Princeton University Press, 1980).

[137] Hannah Arendt pointed to a similar dynamic in ancient Greek conceptions of "work" and "political action," each of which seeks a level of heroic immortality which transcends the fragility of human life. See, *The Human Condition*. 2nd ed. (Chicago: University of Chicago Press, 1998), esp. chapters 4-5. The problem, of course, is that each of these systems, being products of human culture, are similarly fragile and contingent. Anything, then, that threatens the favored "immortality system" is perceived as a threat to the human participant. In protecting these systems, humans are driven into conflict in a futile attempt to protect what is supposed to be invulnerable. In this regard, Augustine long ago made the observation that the fear of death (*timor mortis*) lies at the root of Rome's quest for "glory." See, Robert Dodaro, *Christ and the Just Society In the Thought of Augustine* (Cambridge: Cambridge University Press, 2004), 32 ff.

[138] Peter Berger, Brigitte Berger, and Hansfried Kellner, *The Homeless Mind: Modernization and Consciousness* (New York: Random House, 1974), 92. For social theorists who, like Berger, follow Arnold Gehlen, deinstitutionalization is a defining characteristic of modernity. While a full exploration of the various causes of deinstitutionalization is beyond the scope of this paper, Berger et. al. mention the following factors: "technology and industrialization, bureaucracy, urbanization and

the individual. When one looks to institutions for meaning, identity, or guidance, and they don't provide stable answers, then one is forced to look inward.[139] Second, according to Giddens, we are now faced with the "routine contemplation of counterfactuals"[140] in almost every domain of human life. In other words, the modern experience entails the loss of the "taken-for-granted" and the resulting ascendancy of reflexive awareness. As a result, we are now faced with the *foregrounding* of experiences like death and dying.

What are the likely effects of this increased reflexivity? If the background exists to provide ontological security, then its erosion presents fundamental existential challenges. From this perspective, we can see the sequestration of experience, and especially of death and dying, as a cultural strategy for coping with the difficulty of hyper-reflexive awareness. If we cannot screen out the existential threat of death via cultural institutions, then perhaps best to minimize our contact with it by moving it out of the realm of daily experience. According to Giddens, however, sequestration is an inadequate strategy, for it generates only a "specious control over life circumstances and is likely to be associated with enduring forms of psychological tension."[141] Human life remains contingent and vulnerable. To attempt to ignore this fact by shielding from view those who suffer decline or death is a Sisyphean task if ever there was one.

Because this account of deinstitutionalization is central for my claim that contemporary dying has an additional "burdened" quality beyond the sheer proliferation of choice itself, it is important to consider a possible objection to it. It might (not unreasonably) be asked whether what I am describing as deinstitutionalization would not better be described in terms of death and dying being "differently-institutionalized." If human beings are inherently cultural creatures, it would seem unlikely—barring extreme, nay apocalyptic, circumstances—that we could thrust off cultural institutions as such. To be sure, the institutions that once were dominant are no longer dominant, but this does not leave us bereft of institutions themselves. What institutions now envelop the dying process today?

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population growth, the vast increase in communication between every conceivable human group, social mobility, the pluralization of social worlds and the profound metamorphosis in the social contexts in which children are reared" (92). The confluence of all of these elements in modern societies means that previously stable, taken-for-granted aspects of social life will become increasingly unstable and up-for-grabs.

[139] As Arnold Gehlen explains, "left in the lurch by institutions and thrown back on oneself, one can only react by taking the internal experiences which remain and exaggerating them into general validity." From *Anthropoligische Forschung* (1961), in *Conservatism: An Anthology of Social and Political Thought from David Hume to the Present*, ed. Jerry Z. Muller (Princeton: Princeton University Press, 1997), 409.

[140] Giddens, *Modernity and Self-Identity*, 29.

[141] Giddens, *Modernity and Self-Identity*, 185.

Two major candidates are (a) the institution of research-medicine, including biomedical technology and "Big Pharma," which is growing at an exponential rate,[142] and (b) advanced global capitalism, which threatens to turn all relationships into market relationships and which emphasizes individual choice to the highest degree possible.[143] These two institutions, the objection continues, effectively order our choices, doing so in a manner that is largely taken-for-granted—a hallmark of strong institutions. We are so often unaware of the deep logics that are guiding our decisions, often before we ever come to the point of decision. This occurs partly through the "choice-architecture" which precedes our choosing, and which is the result of innumerable decisions (some organic and unintentional, some premeditated to guide you to a predetermined end) of others.[144] It also occurs through repeated exposure to the logics of research-medicine and market rationality (reinforced by the social status and "capital" enjoyed by these institutions), which bear particular understandings of agency and selfhood.[145] A prescient example of the latter can be found in Terry Eagleton's critique of postmodernism, which, according to Eagleton, "springs from an historic shift in the West to a new form of capitalism—to the ephemeral, decentralized world of technology, consumerism and the culture industry, in which the service, finance and information industries triumph over traditional manufacture, and classical class politics yield ground to a diffuse range of 'identity politics.'"[146] The most damning element of the critique is that postmodernism, for all its idealism, turns out to be the perfect system of thought for creating eager and pliable consumers.

Perhaps, then, it is best not to speak of deinstitutionalization at all, but rather to give a more fine-grained account of the institutions that exist in the "background" of our moral agency. One response to this objection is to make a distinction between different types of institutions, and to argue (as I believe to be the case) that the institutions mentioned in the previous paragraph differ in kind from the institutions which were once more determinative of human experience. We may distinguish between "thick" and "thin" institutions, for example, or "diffuse" and "dense" institutions. With respect to the role of research-medicine and market capitalism in modern life, we might distinguish

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[142] For a recent account of how research-medicine influences death and dying, see Sharon R. Kaufman, *Ordinary Medicine: Extraordinary Treatments, Longer Lives, and Where to Draw the Line* (Durham: Duke University Press, 2015).
[143] See, e.g., Michael J. Sandel, *What Money Can't Buy: The Moral Limits of Markets* (New York: Farrar, Straus and Giroux, 2012).
[144] See Richard H. Thaler and Cass R Sunstein, *Nudge: Improving Decisions About Health, Wealth, and Happiness* (New Haven: Yale University Press, 2008).
[145] The philosophical anthropology underlying these notions of agency and selfhood will be the subject of the following chapter.
[146] Terry Eagleton, *The Illusions of Postmodernism* (Oxford: Blackwell Publishers, 1996), vii.

"destabilizing" institutions from "stabilizing" institutions.[147] A similar distinction has been drawn by Zygmunt Bauman, who speaks of "liquid" and "solid" modernities. The task of the moral agent in "solid modernity" was "to use their new freedom to find the appropriate niche and to settle there through conformity: by faithfully following the rules and modes of conduct identified as right and proper for the location."[148] He continues, in a quotation worth citing in full:

> It is such patterns, codes and rules to which one could conform, which one could select as stable orientation points and by which one could subsequently let oneself be guided, that are nowadays in increasingly short supply. It does not mean that our contemporaries are guided solely by their own imagination and resolve and are free to construct their mode of life from scratch and at will, or that they are no longer dependent on society for the building materials and design blueprints. But it does mean that we are presently moving from the era of pre-allocated 'reference groups' into the epoch of 'universal comparison', in which the destination of individual self-constructing labours is endemically and incurably underdetermined, is not given in advance, and tends to undergo numerous and profound changes before such labours reach their only genuine end: that is, the end of the individual's life. These days patterns and configurations are no longer 'given', let alone 'self-evident'; there are just too many of them, clashing with one another and contradicting one another's commandments, so that each one has been stripped of a good deal of compelling, coercively constraining powers. And they have changed their nature and have been accordingly reclassified: as items in the inventory of individual tasks. Rather than preceding life-politics and framing its future course, they are to follow it (follow from it), to be shaped and reshaped by its twists and turns. The liquidizing powers have moved from the 'system' to 'society', from politics' to 'life-policies' - or have descended from the 'macro' to the 'micro' level of social cohabitation. Ours is, as a result, an individualized, privatized version of modernity, with the burden of pattern-weaving and the responsibility for failure falling primarily on the individual's shoulders.[149]

For all its flaws, I choose to retain the notion of deinstitutionalization because the term signifies the "foregrounding" of moral agency, through the "routine contemplation of counterfactuals" (Giddens). To the degree that research-medicine and market capitalism are the institutions that predominate today (they very much are), they do so through the "liquidization" of "pre-allocated reference groups," thereby undermining "ontological security" (Giddens), typically toward the end of convincing you that

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[147] The phrase "strategic dynamism" comes to mind.

[148] Zygmunt Bauman, *Liquid Modernity* (Cambridge: Polity Press, 2012), 7.

[149] Bauman, *Liquid Modernity*, 7-8. Elsewhere, Bauman spells out the existential implications of "liquid" institutional life: "Ours are the times of strongly felt moral ambiguity. These times offer us freedom of choice never before enjoyed, but also cast us into a state of uncertainty never before so agonizing. We yearn for guidance we can trust and rely upon, so that some of the haunting responsibility for our choices could be lifted from our shoulders. But the authorities we may entrust are all contested, and none seems to be powerful enough to give us the degree of reassurance we seek. In the end, we trust no authority, at least, we trust none fully, and none for long: we cannot help being suspicious about any claim to infallibility. This is the most acute and prominent practical aspect of what is justly described as the 'postmodern ethical crisis.'" See Zygmunt Bauman, *Postmodern Ethics* (Oxford: Blackwell, 1993), 21.

you need to purchase some good or service in order to become secure. These liquidizing institutions make us into *homo arbitrius*, Man, the Chooser.

§7. Conclusion

As a result of both increased technological capacities and decreased institutional norms death in modernity is increasingly a reflexive project, a matter of deliberation and choice. This manifests itself in the many choices to be made when death occurs in the ICU: should life-sustaining treatment be withheld or withdrawn? Should a patient be kept on life-support in order to hold open the possibility of a miracle recovery? Should suffering be avoided at all costs? Can death ever be directly intended? Is terminal sedation ever a viable option? Should the family sign a DNR order? Should health care providers urge surrogates to complete one against their initial judgment? In the event that the family refuses, can health care workers perform a "slow code" in order to prevent treatment which is likely to be as futile and potentially damaging as Mrs. Carver's?[150] It is also reflected in the many positive decisions which must be made in order to *avoid* death in the ICU.[151] Even after someone has been placed in home hospice care, it is not uncommon for her to end up dying in the hospital. Hospice nurses and physicians often must urge home caretakers to call them instead of emergency services, for a knee-jerk 911 call will undo previous efforts to enable a home dying.[152]

I have noted that the number of choices, and the nature of these choices, is often experienced as an uninvited burden *of* agency. I have also noted that nobody involved (whether patients, surrogates, or medical professionals) seems to have the resources necessary to deal adequately with this burden—a lack of cultural guidance experienced as an added burden *upon* that agency. Where once there were scripts for dying, we are now thrown back upon our own resources. Unhinged from strong institutions of family and church, sequestered in private hospital rooms and shielded from public view, these decisions must be made in a highly subjective manner, often accompanied by considerable existential

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[150] "Slow codes" are generally condemned by medical ethicists and physicians. For an ethical defense of "slow codes" see John D. Lantos and William L. Meadow, "Should the "Slow Code" Be Resuscitated?" *American Journal of Bioethics* 11:11 (2011): 8-12.

[151] For a compelling personal account of one surrogate's failed attempt to achieve this feat on behalf of an older mentor, see Hilde Lindemann, *Holding and Letting Go: the Social Practice of Personal Identities* (Oxford: Oxford University Press, 2014), chapter 6.

[152] To be sure, hospice and Palliative Care medicine both represent a highly-managed form of dying. Patients are monitored nearly constantly in order to best calibrate prescribed medicines and suggested activities to the patient's current capacities and preferences (e.g., balancing pain palliation with cognitive function and lucidity). But, at least philosophically, death itself is treated as the inevitable and natural end of human life, and an attempt is made to allow it to *happen*.

anxiety and moral confusion. It is not clear that we have the resources to deal with the forms of agency we are increasingly asked to enact: we feel burdened by agency and we feel that our agency itself labors under the strain of a dizzying anomie. In this context, it might seem that the only thing left to do is to take control, to embrace responsibility, and shape our dying according to our preferences as best we can. On the other hand, we should perhaps also be critical of our notions of control.[153] Human beings cannot, *ultimately*, control death. Most of us implicitly understand that death signals the absolute limit of any human pursuit of control. And yet, in many ways, our collective behavior belies this fact. In the words of Ariès, the modern "attitude toward death is defined by the impossible hypothesis of success. That is why it makes no sense."[154]

The modern reflexivity of death presents us with a *false sense of agency*. We increasingly feel that we must control death, but ultimately death comes to each of us as something beyond our control. There is something profoundly sad about the false dichotomies presented to the patient with an incurable, terminal illness. Should the patient with stage-five metastatic cancer "keep fighting," or would it be better to just "give up"? Can we plausibly conclude that someone has "given up" on life when she chooses not to pursue a fourth-line chemotherapy regime with known side effects and only a marginal chance of success? The unfortunate irony of burdened agency is that this is sometimes experienced as "choosing to die" even when it comes at the end of a series of aggressive medical treatments.

Our agency, then, is burdened twice over: once by choices and once by what I have called reflexivity. Both of these forms of burdened agency coalesce in the ICU, where technology succeeds in placing decisions about the nature and timing of dying directly in human hands. This endowment of responsibility, all too often, results in an awkward attempt to toe the line between appropriate life-extension and overly medicalized dying—an attitude of technological brinkmanship shared by doctors, patients, and surrogates alike. It is widely recognized that it is better to avoid this situation, even if it can be exceedingly difficult to do so. As the foregoing analysis has hopefully shown, dying today can be exceedingly complicated and difficult. Both quantitatively (in terms of their sheer number) and qualitatively (in terms of their reflexivity), choices about death and dying burden our agency. This is not a situation that admits of easy, quick "fixes." There is no going back to a pre-modern form of

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[153] I do not mean to suggest that control *per se* is a bad thing; the value of the control that modern medicine has given us over various types of diseases cannot be understated.

[154] Ariès, *The Hour of Our Death*, 611. Philip Mellor echoes this sentiment when he writes, "An important feature of modernity is *control*, the subordination of nature to human purposes… Moral questions and existential issues surrounding death cannot be integrated satisfactorily into day-to-day life in high modernity because they run counter to these dynamics of control." See Mellor, "Death in High Modernity," 25.

dying. We are unlikely as a society to stop utilizing life-extending technologies which place us in the position of having to choose between life and death. We are also unlikely to reverse the deep cultural dynamics of pluralization and secularization that have helped to unhinge dying from the cultural forms typical of the *ars moriendi*.

Where, then, do we go from here? Are there any resources that might allow us to make some headway toward a good and appropriate form of dying within the conditions of modern society and medicine? I believe there are, but I also believe they will have to come from outside of the current mainstream of medicine and biomedical ethics.[155] Death, dying, and mortality bring us to the edge of human experience, provoking questions of meaning that cannot be answered from within the imminent frame of modern scientific rationality. In what follows I will, therefore, turn to religious and theological views of death and dying, restricting my purview to the Christian tradition. I hope, in doing so, to bring to light theological themes (sometimes underappreciated ones) that might energize faith communities in their efforts to grapple with the choices with which they are likely to be burdened, especially in an aging and technological society such as ours.

[155] There are certainly voices in these fields that are worth listening to and learning from. Two names that immediately spring to mind are Atul Gawande and Daniel Callahan.

CHAPTER 2: MODERN PHILOSOPHICAL ANTHROPOLOGY AND THE SCRIPTS FOR DYING

§1. Introduction

In the last chapter, I provided an account of the changing nature of dying in the modern West. That account was in no way comprehensive, but aimed only to make intelligible the situation in which we find ourselves. By emphasizing the impact that certain deep social-structural and institutional changes have had on the experience of dying, the account aimed to illuminate a complex of problems surrounding the relationship between human agency and the end-of-life.

In short, I argued that both increased technological capacities and decreased institutional norms make dying in modernity an increasingly reflexive project, a matter of individual deliberation and choice. This manifests itself, for example, in the many choices to be made when death occurs in the ICU. I noted that the number of choices, and the nature of these choices, is experienced as an undesirable burden *of* agency or responsibility. I also noted that those involved (whether patients, surrogates, or medical professionals) seem to lack the resources necessary to deal adequately with this burden. This absence of cultural guidance, therefore, is experienced as an additional burden *upon* that agency. Where once the dying person and her community shared more-or-less predictable customs, we are now thrown back upon our own resources. Detached from stabilizing (solid) institutions like family and religious community, sequestered in private hospital rooms and shielded from public view, these decisions are made in a highly subjective manner, often accompanied by considerable existential angst and moral confusion. It is not clear that we have the resources to deal with the forms of agency we are increasingly asked to enact: we feel burdened by agency and we feel that our agency itself labors under the strain of a dizzying anomie.

Our sense of agency, then, is burdened twice over: once by choices and once by what I have called reflexivity. Both of these elements coalesce in the ICU, where technology succeeds in placing decisions about the nature and timing of dying directly in human hands. This endowment of responsibility, all too often, results in an awkward attempt to toe the line between appropriate life-extension and overly-medicalized dying—an exercise of technological brinkmanship repeated by doctors, patients, and surrogates alike.

In this chapter, I will turn from the material conditions that have shaped our experience of dying to the cultural impulses which inform our most visible responses to burdened agency: hospice and palliative care, on the one hand, and physician-assisted suicide (PAS) and euthanasia, on the other.

Specifically, I hope to achieve something like what Jeffrey Stout describes as "pragmatic expressivism." According to Stout,

> the project of rational self-criticism and the project of bringing the ethical life of a people to self-conscious expression [are] best understood as two phases or dimensions of a single project. This project is Socratic in its commitment to self-examination and in aiming for self-perfection, but it is carried out simultaneously on an individual and a social scale—as a public philosophy… [Pragmatic expressivism] aim[s] to make explicit, and then to criticize, the ethical life of one's culture without claiming (dishonestly, self-deceptively) to rise above the perspective of a situated, committed participant in that culture's practices.[1]

The following chapter will be an attempt to do something along these lines with the social practices of hospice and PAS as the dominant scripts of dying in our culture. The goal is to make explicit a set of goods and values that are most often taken-for-granted in order to raise them up for the possibility of rational self-criticism. In the next section (§2) I will give a brief account of hospice and PAS in our current cultural moment, and offer a few suggestions about both their contemporary appeal and certain limitations that remain insufficiently recognized.

The scripts we inherit are always value-laden, carrying forward certain deeply-held (often invisible and pre-reflective) moral norms. In the following two sections (§§3-4), I draw on Charles Taylor's account of "modern identity," in order to illustrate how each of these scripts is deeply indebted to one or more of the following facets of our social imaginary: (1) a sense of inwardness, which locates freedom in the individual will, and correlatively locates "dignity" in the exercise of rational autonomy; (2) the sense that nature constitutes a moral source, so that authenticity is discovered in attunement to nature (conceived in highly individualistic terms), and dignity is understood in terms of self-expression; and (3) the affirmation of ordinary life, including especially the realm of labor and work, on the one hand, and marriage and family life, on the other. During the Enlightenment, the moral ideals of universal benevolence and the affirmation of ordinary life converged to create a moral imperative to reduce suffering and prevent death. The moral notions Taylor describes are embedded in the discourses surrounding PAS and hospice. Each is deeply rooted in the modern identity, though in different ways and with different emphases. In light of this dominant social imaginary, I conclude (in §5) by examining Graham Ward's work on cultural transformation and religious practice. Following Ward, I draw on feminist philosophers of epistemology to suggest

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[1] Jeffrey Stout, *Democracy & Tradition* (Princeton: Princeton University Press, 2004), 13. The language of "mak[ing] explicit" one's implicit norms is highly influenced by Robert Brandom. See Robert Brandom, *Making it Explicit: Reasoning, Representing, and Discursive Commitment* (Cambridge: Harvard University Press, 1994).

that the theological claims and religious practices of Christianity constitute a "standpoint" distinctively situated to generate new imaginary significations and institutional practices that challenge (in interesting and complex ways) those that are dominant in our current cultural climate. I suggest, further, that the contribution of theological discourse and religious practice be understood by Christians not in terms of the creation of an alternative social space, but in terms of the re-embedding of moral notions and end-of-life practices in the Christian narrative and its unique language of moral agency. This will set the stage for an extended conversation (in Chapters 3-5) with key voices in the Christian theological tradition, each of which provides an alternative mode of description (and thus, an alternative moral framework) for approaching death and dying, and, relatedly, of human agency. In the final chapter (Chapter 6), I will provide an account of some practices—both ecclesial and medical—which can fruitfully inform a Christian posture in the quotidian realities of death and dying.

§2. Two Scripts for Dying: Hospice and Physician-Assisted Suicide (PAS)

Most of us share the perception that it is better not to die in the ICU. It is, however, often surprisingly difficult to avoid that fate. In our current medical culture, new technologies carry a certain amount of inertia into our deliberations about their use. Especially as they are incorporated into our sense of "ordinary medicine" and are covered by major insurers like Medicare, life-prolonging technologies are often employed pell-mell. Unless previous thought has been given to the suitability of their use, the very existence of a technology capable of extending human life is taken as sufficient criteria for its implementation—or, at least, an argument must be made for *not* utilizing such technology in a way that is not the case for its use.

Largely in reaction to this situation, two general responses have arisen to prominence: hospice and palliative care medicine, on the one hand, and physician-assisted suicide and euthanasia, on the other. These, according to Christian ethicist Michael Banner, constitute our "two scripts" for dying—the two most viable pathways to death, at least where death is not a result of some unforeseen and tragic accident.[2] Or, as the title of another monograph indicates, if we desire to avoid the ICU, we are forced to make our decision between "Hospice or Hemlock."[3]

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[2] Michael Banner, *The Ethics of Everyday Life: Moral Theology, Social Anthropology, and the Imagination of the Human* (Oxford: Oxford University Press, 2014), 114 ff.

[3] See Constance E. Putnam, *Hospice or Hemlock? Searching for Heroic Compassion* (Westport: Praeger Publishers, 2002).

Hospice and palliative care medicine are commonly associated with one another, but they refer to slightly different practices. In general, "palliative care" refers to any medical care whose primary goal is the relief of suffering.[4] The palliative care philosophy can be summed up in the aphorism, "To Cure Sometimes, To Relieve Often, To Comfort Always."[5] It is sometimes assumed that palliative care represents a departure from conventional medicine, a point which most palliative care physicians would reject. Rather, they would contend that palliative care and conventional medicine are part of an integrated continuum of care. The former is not distinguished from the latter because it seeks a different and *mutually-exclusive* goal (e.g., care *rather than* cure), but by a "strong emphasis on specific principles, such as alleviation of suffering, symptom management, good communication, and supportive counseling related to illness, disability, and limited prognosis."[6] Advocates of this approach believe there is no reason why palliative care should not begin at the "diagnosis of progressive incurable illness or any constellation of medical problems that result in progressive disability or an *eventually* terminal prognosis."[7] Palliative medicine focuses on increasing the quality of life of all such patients, even if they are receiving treatments (from other specialists) aimed at curing their illness.

Hospice care, on the other hand, does constitute a departure from conventional medicine. The modern hospice movement began when Dame Cicely Saunders helped to found St. Christopher's Hospice in 1967. It was a religiously inspired response to the inadequate care given to dying patients who could not be cured. Saunders sought to place the dying person in the context that addressed "total pain" (physical, emotional, social, and spiritual). Hospice care incorporates palliative concepts along with communal practices to ensure that no patient dies alone or in pain.[8] Limited to situations in which the person is approaching death (usually defined as a prognosis of less than 6 months to live), hospice involves a recognition that curative therapy is no longer appropriate, either because such treatment is not clinically indicated, is futile, or is no longer desired by the patient.

The impulse to resist overly medicalized death in the ICU is shared by proponents of PAS and euthanasia.[9] Advocates of PAS often rely on narratives of "bad deaths"—deaths laden with

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[4] *Palliare* means to "cloak" or "mask," in Latin. Hence, palliative care seeks to cover over the symptoms of disease.

[5] Quoted by Ira R. Byock, Arthur Caplan, and Lois Snyder, "Beyond Symptom Management: Physician Roles and Responsibility in Palliative Care," in *Physician's Guide to End-of-Life Care*, ed. Lois Snyder and Timothy Quill (Philadelphia: American College of Physicians, 2001), 56.

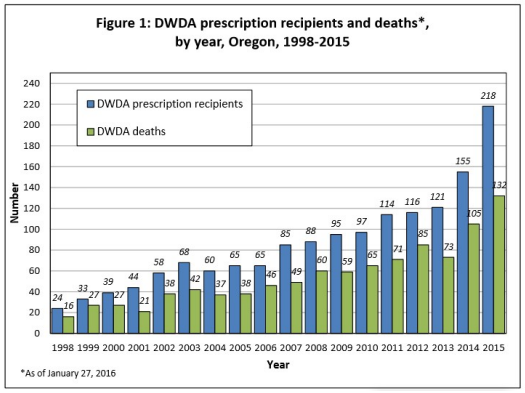
[6] Byock, et. al., "Beyond Symptom Management," 57.

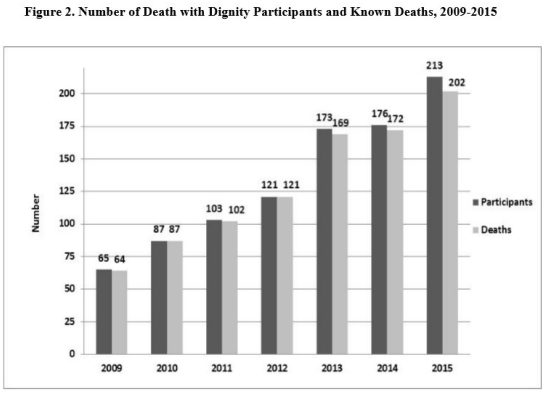
[7] Byock, et. al., "Beyond Symptom Management," 57-58. Emphasis added.

[8] "Through my years as a hospice doctor, I have learned that dying does not have to be agonizing. Physical suffering can *always* be alleviated. People need not die alone." Ira Byock, *Dying Well,* xiv.

[9] As noted in Chapter 1 (see fn. 13), this seems to be particularly true among the better-educated and more affluent strata of American society. See D. P. Cadell and R. R. Newton, "Euthanasia: American Attitudes towards the Physician's Role," *Social Science and Medicine* 40 (1995): 1671-81.

inescapable pain and suffering despite the application of every available curative technology and/or pharmaceutical palliative measure—in order to drive home an implicit point about the need for a shift in cultural attitudes toward the voluntary ending of life.[10] The message is clear: in order to die well you must be empowered to die on your own terms. According to recent Gallup Polls, 68% of Americans now support euthanasia, with much of the increased support coming from 18-34 year-olds, an increase of 20% in the past two years and the highest level in more than a decade.[11] The increasing awareness of PAS in the public imagination is paralleled by increasing recourse to PAS in states where it is an available option. Though accurate statistics are sometimes difficult to come by (largely due to underreporting of PAS in states that prohibit it), it does seem that the availability of PAS leads to marginally greater occurrences. In Oregon, for example, which has allowed PAS since 1997, there has been a slight, but steady increase in both prescriptions for life-ending barbiturates and instances of PAS (see Figure 1 below).[12] A similar trend is evidenced in Washington, which has reached near equal figures in the seven years since the program was instituted (see Figure 2 below).[13]





[10] See, e.g., Timothy Quill, "Death and Dignity—A Case of Individualized Decision Making," *New England Journal of Medicine* 324 (1991): 691-694; Timothy Quill, *A Midwife Through the Dying Process: Stories of Healing and Hard Choices as the End of Life* (Baltimore: The Johns Hopkins University Press, 1996), especially chapters 7-9; Lonny Shavelson, *A Chosen Death: The Dying Confront Assisted Suicide* (New York: Simon & Schuster, 1995); Putnam, *Hospice or Hemlock?;* and Derek Humphry, *Final Exit : The Practicalities of Self-deliverance and Assisted Suicide for the Dying*. 3rd ed. (New York: Delta Trade Paperback, 2002).

[11] See http://www.gallup.com/poll/183425/support-doctor-assisted-suicide.aspx.

[12] The figure and statistics are from the most recent annual report of the Oregon Health Authority, which may be found at https://public.health.oregon.gov/ProviderPartnerResources/EvaluationResearch/DeathwithDignityAct/Documents/year18.pdf.

[13] The figure and statistics are from the most recent annual report of the Washington State Department of Health, which may be found at http://www.doh.wa.gov/portals/1/Documents/Pubs/422-109-DeathWithDignityAct2015.pdf.

Though hospice and PAS enjoy widespread support, they have not been unambiguously supported. Many morally oppose PAS, and some fear that recourse to hospice often amounts to sub-standard medical care. As accepted as each is, there are problems with both scripts that should at least be considered. Advocates of PAS sometimes fail to appreciate the potentially profound implications of such an embrace of agency might have on vulnerable populations. Critics of PAS often cite the potential for abuse and coercion, especially with patients who are elderly and/or cognitively impaired.[14] These sorts of arguments, even when recognized by advocates of PAS, are sometimes dismissed on the basis that better regulation and enforcement can mitigate the possibility of abuse. Other critics of PAS point to a *logical* "slippery slope," which focuses instead upon the logical entailments of justifications for PAS that could lead to policies we might not have initially supported, but which become ever more difficult to avoid over time. Daniel Sulmasy suggests,[15] if we begin with the justification that people have the right to choose to die, then we must consider the case of those who cannot self-administer the pills. To deny them "voluntary-active euthanasia" (VAE) on the grounds that they must be the active agent in the act that ends their life would be considered discriminatory. Therefore, we should grant VAE on the basis of one's right to choose. Then, we must consider the case of the incapacitated person. If we use the standard of substituted judgment, we might conclude that the person *would have* desired euthanasia. Therefore, non-voluntary active euthanasia (NAE) logically follows. Finally, as now occurs in the Netherlands under the Groningen Protocol, the door is open for NAE with children and infants.[16] This argument, it seems, is more difficult to defeat with an appeal to regulation, for it speaks to the way in which regulations themselves are formed, rather

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[14] See, e.g., J. Pereira, "Legalizing euthanasia or assisted suicide: the illusion of safeguards and controls," *Current Oncology* 18:2 (2011): 38-45. Others suggest that such concerns, to date, have not been justified by the data we have. See Battin MP, van der Heide A, Ganzini L, et al., "Legal physician-assisted dying in Oregon and the Netherlands: evidence concerning the impact on patients in "vulnerable" groups," *Journal of Medical Ethics* 33:5 (2007): 91-597; Frances Norwood, Gerrit Kimsma, Margaret P Battin; "Vulnerability and the 'slippery slope' at the end-of-life: a qualitative study of euthanasia, general practice and home death in The Netherlands," *Family Practice* 26:6 (2009): 472-480. I must admit that my review of the literature leaves me inconclusive about the current prevalence of abuse. It seems, on the whole, those who have had recourse to PAS or euthanasia tend to be well-educated, well-insured white men (see, e.g., the case of Dr. Wesley in Chapter 1), who have typically actively participated in the process of securing access to life-ending prescriptions. Nevertheless, while I do not wish to make any strong arguments from silence, it is (a) unclear how the data might account for or fail to account for more ambiguous cases, and (b) unclear that the practice has become widespread enough to affect cultural norms in the ways that PAS skeptics worry about. It is unlikely that our end-of-life practices, even if they incorporate PAS or euthanasia will resemble Huxley's *Brave New World*, but it is also possible that the pressures which attend vulnerable populations are far subtler and more difficult to measure than we might suppose.

[15] See Daniel Sulmasy, "Transcript of IQ2 Debate: Legalize Assisted Suicide?," (2014) Accessed online: http://intelligencesquaredus.org/images/debates/past/transcripts/111314%20Assisted%20Suicide.pdf

[16] For a critique of the Groningen Protocol, see A. B. Jotkowitz and S. Glick, "The Groningen Protocol: Another Perspective," *Journal of Medical Ethics* 32:3 (2006): 157–158. For a more sympathetic perspective, see Hilde Lindemann and Marian Verkerk, "Ending the Life of a Newborn: The Groningen Protocol," *Hastings Center Report* 38:1 (2008): 42-51.

than abuse or neglect of regulations. It is also, however, somewhat tenuous in that it seems to rely on an assumption that there are no valid means for a society to reverse course or make distinctions between relevantly different cases.

There is a further argument, however, that I find more pressing with regard to the strategy of PAS—one which also holds greater relevance for the topic of burdened agency. Advocates of PAS often make the distinction between the offer of a choice, which expands someone's freedom, and coercion or manipulation, which restricts freedom.[17] The assumption behind the distinction is that it can never be bad to increase someone's freedom by increasing her range of options. In the words of David Velleman, "we are inclined to think that, unless we are likely to make mistakes about whether to exercise an option… the value of having the option is as high as the value of exercising it and no lower than zero… and we tend to think that simply *having* an unexercised option cannot be harmful."[18] According to Velleman, however, "having an option can be harmful even if we do not exercise it and—more surprisingly—even if we exercise it and gain by doing so."[19] It is not just that, as I have argued, having to choose the nature and timing of your death (or the death of a loved one) is experienced as a burden. The more profound effect is that "having choices can… deprive one of desirable outcomes whose desirability depends on their being unchosen."[20] He gives the following example: "If I invite you to a dinner party, I leave you the possibilities of choosing to come or choosing to stay away; but I deprive you of something that you otherwise would have had—namely, the possibility of being absent from my table by default, as you are on all other evenings."[21] Placed in this situation, one's best option may be to accept the invitation, and preserve the friendship. But one may do so lamenting the fact that one will no longer enjoy a relaxing night at home. According to Velleman, "these attitudes are consistent because refusing to attend a party is a different outcome from *not* attending without having to refuse."[22] In other words, "[one] can now choose the status quo or choose the alternative, but [one] can no longer *have* the status quo without *choosing* it."[23] The implications of this for vulnerable populations, including the elderly, are potentially troubling. As Banner points out, those who do not pursue PAS, "will now be doing something they were previously not doing, namely

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[17] For an example of this line of reasoning (which, however, does not address implications for PAS), see Jennifer S. Hawkins and Ezekiel Emanuel, "Clarifying Confusions about Coercion," *The Hastings Center Report* 35:5 (2005): 16-19.
[18] J. David Velleman, "Against the Right to Die." *The Journal of Medicine and Philosophy* 17:6 (1992): 670.
[19] Velleman, "Against the Right to Die," 671. For another argument for this conclusion, see Barry Schwartz, *The Paradox of Choice: Why More Is Less* (New York: ECCO, 2004).
[20] Velleman, "Against the Right to Die," 672.
[21] Velleman, "Against the Right to Die," 672.
[22] Velleman, "Against the Right to Die," 672.
[23] Velleman, "Against the Right to Die," 671-672.

choosing not to die. And in the way of such things, this 'choice' may come to stand in need of justification, and so admit of social criticism."[24] Thus there enters in an added burden—the burden of having to justify your continued existence!

Hospice and palliative care, when considered in this light, fare much better. But these are no panaceas. They do not deliver us from the difficulties of burdened agency. For instance, an emphasis on "personal meaning" may be a popular concept in a pluralistic society such as our own. But if Peter Berger is right, and socially constructed institutions provide the necessary framework for the construction of meaning, then we might reconsider any strategy that places the onus on the individual to construct meaning.[25] As Daniel Callahan points out (from personal experience), "there can be nothing worse than concocted, self-conscious ritual, creating a make-believe world of sweetness and light to cover over the harshness of death. But serious customs and rituals, refined over time, can give a shape and context to grief and our understanding of death."[26]

Furthermore, Banner notes a commonality that renders both strategies insufficient for most people—namely, their mutual "inapplicab[ility] to the long dwindling to death which is the prospect for many of us."[27] Hospice is typically not available until one's prognosis indicates a life expectancy less than six months. In practice, the length of service (or length of stay) is typically much shorter than this. In 2014, for example, the average length of service was 71.3 days and the median (50th percentile) length of stay was 17.4 days—which means that about half of those who use hospice enter with fewer than 18 days of life remaining.[28] But, as noted above, one can experience dwindling for up to ten years,

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[24] Banner, *The Ethics of Everyday Life*, 116. The language Banner uses tends toward the hyperbolic, and is thus potentially misleading. Patients with a terminal prognosis who do not choose PAS cannot be said to be "choosing not to die." Such choices are almost always made with the recognition that one will soon die whether one chooses PAS or not. Notwithstanding this important distinction, we might still recognize the fact that it is *possible* that a negative judgment—or at least sentiment—might exist toward one who chooses a way of death that is more difficult, time-consuming and expensive. This is surely not the norm, but as the concern deals with the most vulnerable, the exception to the norm remains relevant. Perhaps an element of this attitude can already be discerned in the discussion surrounding Baroness Mary Warnock's controversial defense of one's moral "duty to die." In a 2008 interview with Scottish Presbyterian magazine *Life and Work*, she argued, "If you're demented you're wasting people's lives—your family's lives—and you're wasting the resources of the National Health Service… [in such cases] there's nothing wrong with feeling you ought to [die] for the sake of others as well as yourself." Cited in John Swinton, *Dementia: Living in the Memories of God* (Grand Rapids: Eerdmans, 2012), 120-121.

[25] See Chapter 1, §6.

[26] Callahan, The Troubled Dream of Life, 33-34.

[27] Banner, *The Ethics of Everyday Life*, 123. For the literature on "illness trajectories," and the notion of "prolonged dwindling," see Chapter 1, fn. 85-87.

[28] See National Hospice and Palliative Care Organization (NHPCO), *Facts and Figures: Hospice in America, 2015 Edition*. http://www.nhpco.org/sites/default/files/public/Statistics_Research/2015_Facts_Figures.pdf. According to the report, "Length of service can be reported as both an average and a median. The median, however, is considered a more meaningful measure for understanding the experience of the typical patient since it is not influenced by outliers (extreme values)."

and such dwindling is not typically labeled "terminal" until very close to the end. Technically a similar prognosis is required under current regulations of PAS as well. For PAS, however, there is the added complication of determining patient competency. This is obviously quite difficult when the patient is suffering from dementia-like symptoms, but can also be complicated by factors such as mental illness (e.g., depression).

We should note how drawing attention to the language of "prolonged dwindling," Banner is also invoking a larger cultural critique of how society values—or fails to value—older persons. As Allen Kellehear notes, "in wealthy industrial nations it is getting increasingly difficult to identify 'the dying' as a distinct social category" as people prefer to self-identify as "chronically ill, 4th aged, 'cancer-survivors', 'waiting for transplants', or 'living with'—living with HIV, or living with cancer, or living with dementia."[29] The concept of dwindling invites the question: when (along the prolonged course of life and eventual decline) can we begin to say of someone that he or she is "dying"? The answer, sadly, is often enough (though rarely voiced): when he or she is no longer economically productive—extracted from the labor force and demanding more resources than he or she is producing. The language associated with PAS and hospice sometimes falls into the trap of reinforcing the perpetuation of this economic logic, as, for example, when each becomes a way to avoid "becoming a burden" on loved ones or society.

Nevertheless, despite some difficulties, many Americans see both of these as intuitive and viable scripts, or pathways, for dying. In fact, they may seem so obvious that we might be tempted to leave the matter there. What are we to do about the likelihood that we will be expected to make choices about the manner and timing of our death? Either entrust our care to professionals who promise comfort and support in rejecting the technological "do-everything" approach to medicine, or secure a good death by ending our life while our dignity, autonomy, and identity are still intact.

Perhaps, however, there is value in pressing a little bit deeper precisely at the point where our intuitions seem most self-explanatory and taken-for-granted. Why is it that certain goods or values (e.g., comfort, identity, autonomy, etc.) take on particular importance for us, so that certain courses of action seem self-evidently right? What are the life-goods that rise to prominence for us, at times reaching the level of "hypergoods…, [which] provide the standpoint from which [all other goods]

[29] Allan Kellehear, "The Nature of Contemporary Dying: Obsessions, Distortions, Challenges," in *Studies in Christian Ethics* Vol. 29:3 (2016): 274.

must be weighed, judged, and decided about"?[30] To ask these sorts of questions of one's own culture can be a challenging affair. And yet I take it to be a crucial task, to which we will now turn.

§3. Moral Agency and Modern Philosophical Anthropology

§3.1. Moral Frameworks and Social Imaginaries

Gnothi seauton—"Know thyself" has long been considered the first task of gaining wisdom. Such knowledge is challenging enough on the individual level, but is even more difficult with regard to communities, people groups, and whole societies. Arguably, self-understanding is most difficult precisely where it seems least controversial—that is, where our intuitions seem to require no justification at all. To understand the "background picture,"[31] or "social imaginary"[32] as Charles Taylor calls it, lying behind our spiritual and moral intuitions involves bringing into focus not only how these intuitions come to expression in our communal and social practices, but also a sense of the substantive beliefs about the world and human beings that lie behind this picture. These substantive beliefs comprise what Taylor calls a culture's "moral ontology," and are the object of inquiry behind much of his own profoundly influential work. In his foundational work, *Sources of the Self*, Taylor offers an account of "the modern identity," defined as "the ensemble of (largely unarticulated) understandings of what it is to be a human agent: the senses of inwardness, freedom, individuality, and being embedded in nature which are at home in the modern West."[33] We will take Taylor's account as our point of departure in the following pages. Because a full treatment of Taylor's work lies beyond the scope of these pages (or competency of its author), we will narrow our focus on those particular aspects of the modern identity that are especially relevant to understanding why PAS and hospice have arisen as the most intuitive and visible responses to the crisis of technological brinkmanship and overly-medicalized dying.

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[30] Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge: Harvard University Press, 1989), 8.
[31] Taylor, *Sources of the Self*, 8.
[32] The term "social imaginary" names, for Taylor, "the ways people imagine their social existence, how they fit together with others, how things go on between them and their fellows, the expectations that are normally met, and the deeper normative notions and images that underlie these expectations." See Charles Taylor, *Modern Social Imaginaries* (Durham: Duke University Press, 2004), 23. Cf, Charles Taylor, *A Secular Age* (Cambridge: Belknap Press of Harvard University Press, 2007), Chapter 4.
[33] Taylor, *Sources of the Self*, ix.

Before laying out the contours of Taylor's account, however, let me first make a brief note about his methodology. Taylor's work belongs broadly to the category of intellectual history, or, the history of ideas. Given this focus on ideas, it is sometimes claimed that Taylor's work is overly "idealist," failing to give adequate attention to institutional and structural changes that are arguably more fundamental than the ideas which come to expression in the work of philosophers of various ages.[34] Taylor clearly recognizes that to relegate such historical causes to "a subordinate role… would be crazy." Taylor's account of the modern identity, he is careful to point out, does not function at the level of historical *explanation*, especially insofar as it "barely mentions" changes in political, economic, and bureaucratic structures, without which the modern identity would be "unthinkable."[35] He is fully ready to acknowledge the importance of such factors, while admitting that they lie beyond the scope of his project (not to mention beyond his scholarly capacities). Where such careful historical work has been accomplished by others, Taylor freely draws from it. Importantly, Taylor sees his own work not only as a beneficiary of such work, but also as an important, albeit limited, contribution to historical explanation. For his part, Taylor seeks to answer the "interpretive" question, rather than the "question about diachronic causation."[36] By paying attention to social practices, including art and architecture, writing and poetry, political deliberation and (yes) philosophical debate—indeed, by "interpreting" them—Taylor brings into focus central ideas that are both (a) made possible by social practices, and (b) reinforce or subvert those social practices.[37] The assumption behind Taylor's method is a basically Hegelian one: our ideas and practices do not arise *sui generis*, but out of a contestation between competing visions of the good, or of the world and the humanity's place within it, or some other normative notion. Because our ideals are historicized in this way, we "cannot understand ourselves without coming to grips with this history."[38]

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[34] For an example of this sort of critique, see Wendy Brown, "A Secular Age: Idealism, materialism, secularism?" *The Imminent Frame*, October 22, 2007. http://blogs.ssrc.org/tif/2007/10/22/idealism-materialism-secularism/.

[35] Taylor, *Sources of the Self*, 199.

[36] Taylor, *Sources of the Self*, 203, 202.

[37] Taylor notes the relation between social practices and ideas in the following manner: "The kind of ideas I'm interested in here—moral ideals, understandings of the human predicament, concepts of the self—for the most part exist in our lives through being embedded in practices. By 'practice' I mean something extremely vague and general: more or less any stable configuration of shared activity, whose shape is defined by a certain pattern of dos and don'ts…The basic relation is that ideas articulate practices as patterns of dos and don'ts. That is, the ideas frequently arise from attempts to formulate and bring to some conscious expression the underlying rationale of the patterns." Importantly, however, the relationship between ideas and practices is a dialectical one. "We very often can't understand these ideas if we think them in isolation from the practices…But this relation musn't be confused with a unidirectional causal one…The causal arrow runs both ways." Taylor, *Sources of the Self*, 204, 206.

[38] Taylor, *Sources of the Self*, ix.

§3.2. The Modern Identity: Inwardness, Ordinary Life, and Nature as Source

According to Taylor, there are "three major facets" to the modern identity: "[first,] inwardness, the sense of ourselves as beings with inner depths, and the connected notion that we are 'selves'; second the affirmation of ordinary life which develops from the early modern period; third, the expressivist notion of nature as an inner moral source."[39] Let me briefly explain each of these in turn, for each contributes to the way in which we in the modern West approach the problems described in the previous chapter. Each, that is, contributes to the rise of "burdened agency," as well as the turn toward Banner's "two scripts" for dying.

§3.2.1. *Inwardness*

The idea that we are such a thing as "selves" whose emotional, intellectual, and spiritual riches are the substance of our "inner lives," that we contain "inner depths" of being, and that the essential location of our selfhood is necessarily "within" us; these notions will strike many of us as so intuitively obvious that it might be difficult to accept Taylor's claims about their relative novelty. Though the roots of our notion of "inwardness" are very deep in our cultural history, its most fully developed version, in which the sources of morality come from *within* us, arose relatively recently. For Taylor, a "moral source" is that which provides a norm that strikes us with obliging force, while also providing the wherewithal and inspiration for living according to such a norm. According to Taylor, "the issue concerns what we need to carry through on what the morality demands of us. Does our reason for embracing it motivate us to carry out what it calls for, or might it perhaps be that it crucially weakens us in the face of some of the obstacles and distractions which lie in our way?"[40] Moral sources, have typically been understood to reside outside us, but in modern times are understood to arise from "within" us. So, for example, though Plato upheld the primacy of reason over the passions and the contemplation of the soul over action in the *polis*, he did "not use the inside/outside dichotomy to

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[39] Taylor, *Sources of the Self*, x. These three major "facets" are not to be confused with what Taylor calls the "three axes" of modern moral frameworks, what we might call the domain of our moral thinking. These three axes include beliefs and convictions about (a) the value of human life, "the sense that life is to be respected," with a particular emphasis on "freedom and self-control…avoiding suffering…[and] family life as central to our well-being" (14); (b) "what kind of life is worth living" or what "makes a full life" (14-15); and (c) our notion of human "dignity…, our sense of ourselves as commanding (attitudinal) respect" (15), and the contested debates regarding the sources of such dignity

[40] Taylor, *A Secular Age*, 693.

make his point."[41] We must be careful not to read modern assumptions into Plato's thought. When Plato affirms the soul over the body, the immaterial over the material, and the eternal over the changing, his primary concern is to point toward a moral source which lies *not* within us, but outside—namely, the Forms which reason ought to discern and love.

The crucial step toward an inner/outer dichotomy would have to wait, according to Taylor, until Augustine, "who introduced the inwardness of radical reflexivity and bequeathed it to the Western tradition of thought."[42] For Augustine, "the road from the lower to the higher, the crucial shift in direction, passes through our attending to ourselves as *inner*." In Augustine's own words, "Do not go outward; return within yourself. In the inward man dwells truth."[43] Such counsel could hardly have avoided encouraging an enhanced awareness of oneself precisely *as* a spiritual or moral agent of experience. After Augustine, it made sense to inquire about the state of one's "inner life" in a way that was rare before him. Taylor is quick to point out, however, that "Augustine makes the step to inwardness… *because it is a step towards God*,"[44] who is *interior intimo meo et superior summo meo* ("closer to me than I am to myself while infinitely above me"). The Augustinian agent is defined by her deep sense of dependence upon God whose perfection goes far beyond her powers. This sense of creaturely dependence, though perhaps more self-aware than ever before, points to a transcendent moral source above and beyond any individual person.

A series of Enlightenment thinkers would later initiate a fundamental transformation of our understanding of our moral sources by shifting them *within* individual moral agents. Descartes' abandonment of the notion of self-revealing Ideas, for example, and the corresponding shift to a "representational" view of scientific knowledge, encourages the sense that "the order of ideas cease[s] to be something we *find* and becomes something we *build*."[45] This accords with the relation of the Cartesian soul (or mind) to the world, which is ideally that of "rational mastery" over against "world as mechanism…a domain of instrumental control."[46] Not only is the "world out there" understood mechanistically, but so too the body: "Where the Platonic soul realizes its eternal nature by becoming

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[41] Taylor, *Sources of the Self*, 121.
[42] Taylor, *Sources of the Self*, 131. We should note that this is a highly-contested reading of Augustine. For important critiques of Taylor on this point, see, e.g., Michael Hanby, *Augustine and Modernity* (London: Routledge, 2003), 13 ff.; John Milbank, "Sacred Triads: Augustine and the Indo-European Soul," in *Augustine and His Critics: Essays in Honor of Gerald Bonner*, eds. Robert Dodaro and George Lawless, 77-102 (London: Routledge, 2000); Mathewes, Charles T. "Augustinian Anthropology: Interior Intimo Meo." *The Journal of Religious Ethics* 27:2 (1999): 195-221.
[43] Augustine, *De Vera Religione* XXXIX.72.
[44] Taylor, *Sources of the Self*, 132, emphasis added.
[45] Taylor, *Sources of the Self,* 144, emphasis original.
[46] Taylor, *Sources of the Self*, 149.

absorbed in the supersensible, the Cartesian [soul] discovers and affirms his immaterial nature by objectifying the bodily [nature]."[47] Rationality, according to Descartes, is freedom from the illusion that mingles mind with matter, and a clear-eyed understanding of the need for the rational soul to control bodily passions. Of course, something similar could be said of the ancient Stoics. But the Stoic notion of rationality was to bring the bodily passions in line a true vision of the rationality (*logos*) which inheres in the cosmos. Cartesian rationality derives not from a vision of the cosmos, but from an internal "directing agency subordinating a functional domain."[48] This internalization marks a "great shift," in which "the sense of the superiority of the good life, and the inspiration to attain it, must come from the agent's sense of his own dignity as a rational being,"[49] rather than from any external or transcendence source.[50]

When Descartes set out to establish the indubitable foundations of philosophy, he eschewed dependence on tradition in favor of the famously individualistic and self-sufficient: *cogito ergo sum*. Where Augustinian reflexivity—attention to self *as* moral or spiritual agent—aided in the development of *pietas*, the acknowledgment of one's dependence on God, Cartesian reflexivity is a crucial stage in the rejection and disparagement of such dependence. The human being has become both *homo faber* (Man, the maker) and *homo ipse faber* (the self-maker).[51]

The basic philosophical anthropology set forth by Descartes was taken up and expanded in distinct ways by John Locke and Immanuel Kant. With Locke, the ideals of self-responsible freedom and independence from custom and authority gave rise to the "punctual" self, understood as a pure, independent consciousness not essentially related to past or future. This self, precisely insofar as it is understood in terms of *immediate* self-consciousness, continually holds the capacity of radical "self-remaking."[52] The fullest expression of self-responsible freedom—and with it, the most radical internalization of moral sources, would come from Kant. Of Kant, Taylor writes,

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[47] Taylor, *Sources of the Self*, 146.
[48] Taylor, *Sources of the Self*, 149.
[49] Taylor, *Sources of the Self*, 152.
[50] Taylor makes the interesting observation that the Cartesian notion "of rational control, finding its sources in a sense of dignity and self-esteem, transposes *inward* something of the spirit of the honour ethic. No longer are we winning fame in public space; we act to maintain our sense of worth in our own eyes… Strength, firmness, resolution, control, these are the crucial qualities, a subset of the warrior-aristocratic virtues, but now internalized." *Sources of the Self*, 152, 153.
[51] Thus, Taylor notes, Descartes' "disengaged subject" carries forward a mode of thinking "roughly designated 'neo-Stoic'," which emphasizes "the growing ideal of a human agent who is able to remake himself by methodical and disciplined action." *Sources of the Self*, 159.
[52] Taylor, *Sources of the Self*, 171. Importantly, Locke makes *self-consciousness* the primary component of what it means to be a human person. Locke "refuses to identify the self or person with any substance, material or immaterial, but makes it depend on consciousness… 'For it is by the consciousness it has of its present thoughts and action, that it is a *self* to *itself* now, and so will be the same self, as far as the same consciousness can extend to actions past and to come" (172). The centrality of self-consciousness to our modern notions of personhood are hard to overstate.

> This is a more radical definition of freedom, which rebels against nature as what is merely given, and demands that we find freedom in a life whose normative shape is somehow generated by rational activity. This idea has been a powerful, it is not overstated to say revolutionary, force in modern civilization. It seems to offer a prospect of pure self-activity, where my action is determined not by the merely given, the facts of nature (including inner nature), but ultimately by my own agency as a formulator of rational law… Kant explicitly insists that morality can't be founded in nature or in anything outside the human rational will. This is a root and branch rejection of all ancient moralities… And, like Descartes, at the centre [sic] of his moral view is a conception of human dignity. Rational beings have a unique dignity… In a way, we could formulate the fundamental principle underlying Kant's whole ethical theory somewhat like this: live up to what you really are, viz., rational agents… [O]ther things have a price, only rational agents have dignity (*Würde*).[53]

These strains, which Taylor traces from Plato and Augustine through Descartes, Locke, and Kant, contribute to our (probably inescapable) sense of ourselves as containing "inner depths." The modern identity takes for granted that selfhood is importantly related to disengaged rationality, to self-responsible freedom, to reflexive self-consciousness, and to the capacities of self-making and self-remaking. When combined with the following two strains—nature as a moral source and the affirmation of ordinary life —they go a long way toward making sense why particular scripts for dying make intuitive sense for us, even when these leave us feeling dissatisfied and ambivalent about their adequacy.

§3.2.2. "*Nature" as Moral Source*

From early in the modern period, the "rationalist" picture of the human being that finds its strongest expressions in Descartes, Locke, and Kant has been accompanied by another picture that Taylor designates "expressivist," or "Romantic." This latter picture is in many ways opposed to the former—though the two agree on some points that distinguish them both together from more classical perspectives. To understand the expressivist turn, we might consider Montaigne's reaction to the early-modern neo-stoic emphasis on rational mastery and self-control—which, for his part, Montaigne believed to be discouragingly heroic. Montaigne's path to happiness and virtue, instead, involved the pursuit of self-knowledge and self-acceptance through the re-appropriation of the "natural." Mastery *of* nature is not the goal so much as accommodation *to* it. This requires reflection on and recognition of appropriate limits. It is only once these limits are recognized and affirmed that we can respond

[53] Taylor, *Sources of the Self*, 364-365.

rightly to them. "To live right is to live within limits, to eschew the presumption of superhuman spiritual aspirations. But the limits which are relevant for me are mine."[54] Thus, Montaigne advocated (and, in his writings, exemplified) an intense form of self-reflection.

As Taylor notes, "the fight is in a sense to come to accept who we are."[55] "Who we are," however, is understood in an "intensely individual"[56] way. *My* answer to this question will not be (or should not be) the same as *yours*. Authenticity and the discovery of originality are the goals of this project of self-reflection. Particularity, rather than universality, is the hallmark of the human identity. For many thinkers in this Romantic tradition, to discover one's originality is to tap into "the inner élan, the voice or impulse"[57] of nature writ large. Consider, for example, William Wordsworth's poem, The Prelude.[58] In it, Wordsworth seeks to produce a modern epic on the scale of Milton's *Paradise Lost*, which offers as its subject matter the inner growth and development of the poet's own spiritual and intellectual life. Wordsworth seeks to write "some philosophic song / of truth that cherishes our daily life, / with meditations passionate from deep / recesses in man's heart" (1.229-232). The themes of "affirmation of everyday life" and "inner depths" converge in these lines. In plumbing the depths of his inner life, Wordsworth is driven to exalt "the prime and vital principle" in Nature:

> Here must thou be, O man,
> Strength to thyself — no helper hast thou here —
> Here keepest thou thy individual state:
> No other can divide with thee this work,
> No secondary hand can intervene
> To fashion this ability. 'Tis thine,
> The prime and vital principle is thine
> In the recesses of thy nature, far
> From any reach of outward fellowship,
> Else 'tis not thine at all (13.188-197).

Wordsworth's poem can be seen as an extended reflection on nature's ability to inspire and guide the human heart into an ever more responsive and authentic existence. At times resembling an ode to nature, The Prelude extols a life open to the natural world: "I am content / with my own modest pleasure, and have lived / with God and Nature communing, removed / from little enmities and low desires" (2.428-431).

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[54] Taylor, *Sources of the Self*, 180.
[55] Taylor, *Sources of the Self,* 181.
[56] Taylor, *Sources of the Self*, 181.
[57] Taylor, *Sources of the Self*, 374.
[58] William Wordsworth, *The Prelude: Or Growth of a Poet's Mind,* ed. Ernest De Selincourt (Cambridge: Chadwyck-Healey Ltd, 1994).

Taylor notes that the rationalist and the expressivist traditions "have been at odds up to this day."[59] They constitute "two facets of the modern identity,"[60] which mutually reinforce our pervading sense of individualism, but do so in radically different ways. In each tradition, we receive a different account of what constitutes "human dignity" and what role such dignity plays in our life-projects. Though both resist a version of crude reductive naturalism, rationalism relies on an instrumentalist picture of reason to ground human dignity, and expressivism sees such instrumentalizaton and objectification of nature as an impediment to dignity (i.e., authenticity). To the expressivist, the instrumentalist stance "is what blocks us. It prevents us from opening ourselves to the élan of nature."[61]

In a rare moment of direct commentary on a contemporary social and political issue, Taylor elaborates the tension between these two stances in terms of their relevance to our ecological crisis. He may just as well be speaking about the difficulty we have of knowing how to exercise moral agency in dying:

> These two spiritual outlooks are in confrontation. One sees the dignity of man in his assuming control of an objectified universe through instrumental reason… The other sees in this very stance to nature a purblind denial of our place in things. We ought to recognize that we are part of a larger order of living beings, in the sense that our life springs from there and is sustained from there. Recognizing this involves acknowledging a certain allegiance to this larger order… to take the argument in the reverse direction, taking up an instrumental stance is a denial of the need for this attunement. It is a kind of separation, a statement a priori of our moral dependence, of our self-sufficiency. The battle between these spiritual outlooks, which starts in the eighteenth century, is still going on today.[62]

Is the ideal of moral agency to be seen in the self-responsible task of bringing the contingencies of nature, including the fragility and vulnerability of our bodies to decay and death, under the influence of instrumental reason? Or, is the moral ideal to be found in our attunement to the nature of embodiment as finite and mortal, in the correlative embrace of dependence and rejection of self-sufficiency? This is, of course, to put the issue in the strongest terms possible, but that does not negate the relevance of this basic tension to our public discourse around issues of death and dying. There is, however, one additional element of the modern identity that must be brought into focus, which comes down to us filtered through both rationalist and the expressivist outlooks—namely what Taylor calls the "affirmation of ordinary life."

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[59] Taylor, *Sources of the Self*, 182.
[60] Taylor, *Sources of the Self*, 182.
[61] Taylor, *Sources of the Self*, 383.
[62] Taylor, *Sources of the Self*, 384.

§3.2.3. *Affirmation of Ordinary Life*

The basic tension between control of nature and attunement to nature is overlaid with another feature of the modern identity. In addition to the various modes of "inwardness," Taylor notes that the modern identity exhibits a strong affirmation of ordinary life—that is, of the life of labor and production, on the one hand, and the life of marriage and family, on the other. This is a stark contrast to the ancient hierarchy between the good life (*eudaimonia*), understood as participation in a range of higher activities such as philosophical or spiritual contemplation, and a life consumed by the tasks necessary for the subsistence of merely biological life. Those with the means to be freed from "servile" responsibilities developed a life in pursuit of the "*liberal* arts" associated with philosophy, theology, and, perhaps, public service and politics.

The sense that the good life depends upon participation in such higher activities (and, correspondingly, upon freedom from the lower activities) was carried forward from ancient classical ethics into the medieval monastic tradition[63] until it was finally rejected by Martin Luther and the Protestant Reformers. As is the case with other aspects of the modern identity, the impulse behind the affirmation of ordinary life was originally theological in nature.[64] As Max Weber once quipped, Luther abolished the monastery and made every man a monk—not by diminishing the life of prayer and devotion to God, but by raising up the dignity of everyday work and family life. In the hands of

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[63] Such a claim immediately calls for nuance. For example, though the monks aspired to a form of spiritual and moral life that was generally not considered to be required of all baptized Christian (especially, insofar as they aimed at a life of prayer and the attainment of the evangelical counsels of perfection, including poverty, chastity, and obedience), we must acknowledge that many monastic communities were equally dedicated to the shared tasks of daily life, including manual labor. *Ora et labora* goes the ancient Benedictine saying, and none can doubt it who have read the reflections of Brother Lawrence. See Brother Lawrence, *The Practice of the Presence of God: Being Conversations and Letters of Nicholas Herman of Lorraine, Brother Lawrence* (Westwood: Revell, 1958).

[64] We have already noted how the Cartesian turn toward "inwardness" has important roots in Augustine's conviction that the best way to the God who infinitely surpasses me is to look within to the soul that bears God's image. Correlatively, the mechanistic view of the universe which culminated in Deism is importantly related to the theological voluntarism of Duns Scotus and the medieval nominalists. This deep history is important for understanding the nature of the concepts that seem to us to be common sense, but for which we have a difficult time accounting. The theological sources may be lost to us in important ways. This is true of many aspects of the modern identity. According to Taylor, "In each case, the stimulus existed within Christian culture itself to generate these views which stand on the threshold. Augustinian inwardness stands behind the Cartesian turn, and the mechanistic universe was originally a demand of theology. The disengaged subject stands in a place already hollowed out for God; he takes a stance to the world which befits an image of the Deity. The belief in interlocking nature follows the affirmation of ordinary life, a central Judeo-Christian idea, and extends the centrally Christian notion that God's goodness consists in his stopping to seek the benefit of humans. What arises in each case is a conception which stands ready for a mutation, which will carry it outside the Christian faith altogether." See, *Sources of the Self*, 315.

the Reformers, "vocation" no longer referred to a special priestly calling, but to the sphere of daily activity, be it farming, manufacturing and trade, homemaking, or governance. As Weber also pointed out, Protestant Christians (especially Calvinists and Puritans) harnessed an enormous reform impulse toward their daily work, which, when paired with an ascetical morality, led to unprecedented gains in productivity, wealth, and capital accumulation.[65] What interests Taylor, however, and what is of more importance for us, is how the affirmation of ordinary life led to a related moral obligation that has become deeply intuitive for us—namely, the avoidance and relief of suffering.

One key episode in the development of this theme, briefly mentioned in the previous chapter, is the advent of Baconian science, which brought together an instrumental stance toward the world and the Puritan-inspired reform impulse. For Bacon and his followers, the knowledge which is most important is knowledge that can be *put to use* in the service of universal human benevolence. "Knowledge is power"—not only in the sense that knowledge makes us powerful, but in the sense that what *counts* as knowledge is that which allows us to bring nature under our control for the welfare of humanity. Under the influence of the Baconian worldview, "[a]ffirming ordinary life has meant valuing the efficacious control of things by which it is preserved and enhanced as well as valuing the detachment from purely personal enjoyments which would blunt our dedication to its general flourishing."[66] During the Enlightenment, in a manner that Taylor suggests was different from any time before, the moral ideals of universal benevolence and the affirmation of ordinary life converged to create a "moral imperative to reduce suffering… [W]e feel called on to relieve suffering, to put an end to it."[67] Of course, it would be folly to suggest that premodern people did not experience compassion for the suffering of others, or that they did not feel a deep aversion toward the suffering of neighbors and loved ones. What is important about the modern stance toward suffering is not the sense that it is to be avoided if possible, but how intensely we feel our obligation to relieve suffering in most all forms, regardless of the source or nature of such suffering or the identity of the suffering one. Not only are we much more sensitive to suffering, but also different in the way we consider the obligation to reduce suffering at a minimum as part of what is means to respect the dignity of others.

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[65] Max Weber, *The Protestant Ethic and the Spirit of Capitalism.* 3rd Roxbury ed. (Los Angeles: Roxbury Pub. Co., 2002).
[66] Taylor, *Sources of the Self*, 232.
[67] Taylor, *Sources of the Self*, 394.

§4. Modern Identity and The Two Scripts

Taylor's account of the modern identity provides a valuable framework for understanding the background conditions for the rise of "burdened agency," as well as for understanding why Banner's two "scripts" for dying have arisen to such prominence in the current social imaginary so that each makes intuitive sense to many of us. To briefly summarize Taylor,

> the moral imperatives which are felt with particular force in modern culture… emerge out of the long-standing moral notions of freedom, benevolence, and the affirmation of ordinary life… We as inheritors of this development feel particularly strongly the demand for universal justice and beneficence, are peculiarly sensitive to the claims of equality, feel the demands to freedom and self-rule as axiomatically justified, and put a very high priority on the avoidance of death and suffering.[68]

It is not difficult to see how some of these moral imperatives gave rise to the changes in dying that the last chapter described. When the avoidance of death and suffering takes on paramount importance, for example, every technological advantage must be employed in the fight against disease and death. The very availability of a potentially curative therapy or a means of life-extension is considered self-justifying, in such a way that makes it difficult *not* to use it.[69] In the United States, the moral imperative to reduce suffering and the claims of equality and universal justice underlie our public programs like Medicare. Medical anthropologist Sharon Kaufmann, for example, has argued that our sense of "ordinary medicine" is shaped by four major (but largely invisible) "health care drivers." These include (1) the biomedical research industry and the rapidly increasing number of clinical trials; (2) the committees that set the reimbursement and insurance payment policies at private insurance companies, but especially at Medicare; (3) the fact that a Medicare-reimbursable technology is almost instantly established as "standard of care," and; (4) the fact that "standard" therapies are considered "ethically necessary and therefore difficult, if not impossible, for physicians, patients and families to refuse."[70] Kaufmann emphasizes the moral presuppositions behind the formation of Medicare:

> The two ethical decisions undergirding the Medicare program, which came into being in 1965, were, first, that 'it was incumbent on government to guarantee health care for the elderly,' and second, that the cost of drugs, devices, procedures, and all treatments would not determine

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[68] Taylor, *Sources of the Self*, 495.

[69] In the 1960s, health economist Victor Fuchs labelled this phenomenon the "technological imperative." See Victor R. Fuchs, "The Growing Demand for Medical Care," *New England Journal of Medicine* 279:4 (1968): 190-195.

[70] Kaufmann, *Ordinary Medicine*, 7. To avoid confusion, it should be noted that the term "ethically necessary" is not being used as a precise category, arising from rigorous ethical analysis, as is the distinction between "optional" and "obligatory" treatments in Beauchamp & Childress's *Principles of Biomedical Ethics*. Trained ethicists will be more careful and precise with the term than Kaufman is here. By "ethically necessary" she means that patients come to expect their use and physicians are unlikely to hesitate to provide such treatments.

> how, when, and how much technology was used. In the industrialized world this ethical decision—to provide government payment for medical care to the elderly (and for the poor through Medicaid) with no cost limitation—was and remains unique in that if a treatment is deemed useful, Medicare has a moral imperative to pay for it. That mandate is the core value of the Medicare program.[71]

The way in which Medicare decisions are made, and the factors that are allowed to play into such decisions, are informed by basic notions of justice, equality, and universal benevolence. Unfortunately, an unintended consequence has been the tendency to utilize every available means in the fight against death and suffering, leading to overtreatment and undesirable forms of dying, as we have already noted at length. The response of the medical establishment to this conundrum has largely been to emphasize individual rights and patient autonomy. There is much that is laudable about empowering individuals to make decisions about their own health-care. It is certainly an improvement over a paternalistic form of medicine in which patients are unwillingly coerced into accepting treatment that is ruled (by someone else) to be in their "best interest"[72] or unjustly precluded from accessing health-care resources to which they have a certain claim. And yet, as the previous chapter suggested, a shift towards patient autonomy, apart from other important modifications, contributes to "burdened agency." It is, in effect, the shift of the burden from the physician to the patient.

In a way, PAS and (voluntary) euthanasia can be understood as a strategy for dying in a context of intense reflexivity, which assumed that an individual must claim ownership over the conditions of her dying. On the surface, it may even appear to be a very honest and appropriate strategy. If we are saddled with choices, if dying is a moral responsibility, then why not face such choices head-on and bring about death when life is no longer experienced as a benefit? In many ways, it is a very courageous strategy, for it acknowledges, and then embraces, the profound burden of agency.

This path represents the next step on the trajectory which brings together strong emphasis on avoidance of suffering and the individual's autonomy rights. Perhaps nowhere in our culture are the two brought so closely together. The language of "compassion" predominates the discourse around PAS,[73] but the assumption that PAS is *primarily* motivated by a desire to avoid a painful death is misleading. As much of the "right to die" rhetoric reveals, the most fundamental issue for advocates of PAS is maintaining control. To be sure, many of the advocates are also motivated by a desire to

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[71] Kaufmann, *Ordinary Medicine*, 101.

[72] The paradigm case, perhaps, is that of Dax Cowart, immortalized in the film-documentary, "Please Let Me Die."

[73] The largest and most visible advocacy group (formerly The Hemlock Society), for example, is now called "Compassion and Choices." See www.compassionandchoices.org/.

ease suffering at the end-of-life, but the fact is that pain and fear of pain are not primary motivations for those who request PAS. Studies indicate that, among those who request PAS, only about 22 percent cite the fear of pain as a motivating factor. Nearly all of them, however, cite fear of loss of control and autonomy.[74]

Taylor's account of the modern identity sheds light not only on the appeal of individual rights of autonomy, but also on their connection with the sense of dignity and worth of human life. The most relevant aspect of the suffering that the "Death with Dignity" movement seeks to prevent is the loss of a certain sort of rational agency and the dissolution of one's identity. What is rarely scrutinized, however, is the sense that the loss of rational agency equates with a loss of dignity. If we follow Taylor, we may see that dignity does not simply arise for the modern identity *as a consequence* of human rationality, as would be the case in any view that sees rationality as particularly valuable or respect-worthy (but which could allow for other sources of dignity to be equally or more important and fundamental).[75] Through the long chain of events that Taylor traces for us, rational freedom has become something more than *an occasion* for respect. It has, in fact, become the loadstone of our "moral sources," such that apart from the concepts of self-responsible freedom or rational autonomy we fail to imagine any notion of what the good life could entail or how we as agents could muster the inspiration necessary to attain it.[76]

As we have seen, this account of dignity is not the only one which is present in our culture. Concordant with expressivist notions about the value of individuality, particularity, and authenticity, there is a strand within our social imaginary which locates human dignity in the depths of nature, or the creative imagination. In their eschewal of modern medicine's embrace of the rationalist picture of the human being, hospice and palliative care tend to embrace and draw upon this second strand. In hospice, for example, the dying person is often encouraged to take control of the dying process and make informed choices about her care. The discourse surrounding such choices, however, does not

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[74] Ezekiel J. Emanuel, "Four Myths About Doctor-Assisted Suicide," *The New York Times*, October 27, 2012. Accessed online December 1, 2012 http://opinionator.blogs.nytimes.com/2012/10/27/four-myths-about-doctor-assisted-suicide/

[75] One could say, for example, that the human being as "rational animal" garners a certain sort of respect not afforded to non-rational animals, while still subordinating this sort of dignity with a deeper dignity grounded extrinsically by the singular relationship that the human beings have with God—namely, that they are "chosen in Christ before the foundation of the world" (Eph 1:4).

[76] Taylor elsewhere defines "moral source" this way: Moral sources are "considerations which (for us) inspire us to embrace this morality, and the evoking of which strengthens our commitment to it." (See Charles Taylor, *A Secular Age*, 693). To better understand what I am getting at here, consider Kant, for whom rational freedom is both the ideal for human agency (the categorical imperative, enacted consistently by human beings, leads to a universal "kingdom of ends") and the source of an agent's sense of self-worth that makes one able to live up to that ideal—a truth reflected in the words on Kant's tombstone: "Two things fill the mind with ever new and increasing admiration and awe, the more often and steadily we reflect upon them: the starry heavens above me and the moral law within me."

emphasize the language of individual "rights" so much as personal "meaning." While pain is managed, drugs are generally limited as much as possible to give people every opportunity to work through the personal meaning of their journey toward death. Hospice caretakers are increasingly focusing on the development of a "personal narrative" as a way of finding meaning at the end of life.[77] Tony Walter has argued that the contemporary hospice and palliative care movements are part of a broader trend that he labels "post-modern death."[78] According to Walter, "if we may characterize traditional death as essentially religious and modern death as essentially medical, then post-modern death is essentially personal. Its hallmarks are choice and personal expression."[79] The central authority figure is no longer the priest or the doctor, but the self. The dominant discourse is no longer theology or medicine, but psychology.

Some welcome this post-modern turn; others see it as a "turn" in name only, arguing that the seemingly "post-modern" elements in the hospice movement actually disguise the way in which hospice remains a form of the deeply entrenched framework of medicine that we call "modern."[80] It is likely that the debate about whether hospice medicine is modern or postmodern is misplaced. Taylor gives us a better way of framing the issue by turning our attention to the concurrent streams at play in the modern identity. From this perspective, the "post-modern" names a particular form of the recurring expressivist and romantic reaction to Enlightenment rationalism. In its emphasis on personal meaning, forged by the recognition of (and attunement to) finitude and limitation, hospice indeed taps into this expressivist notion of human identity and human dignity.

Nevertheless, what the hospice/palliative care script shares with the PAS/euthanasia script is arguably more important than what differentiates the two. The two are generally presented as competing scripts for dying today, but Michael Banner has argued that they share certain fundamental characteristics. We have already noted how each entails a critique of medicalized dying, and is

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[77] Kenneth G. MacKendrick subjects this practice to critical scrutiny, arguing against the notions of individualism implicit in personal-narratives. See "Intersubjectivity and the Revival of Death: Toward a Critique of Soveriegn Individualism," *Critical Sociology* 31:1-2 (2005): 169-83.

[78] Tony Walter, "Facing Death Without Tradition," in *Contemporary Issues in the Sociology of Death, Dying and Disposal*, ed. Glennys Howarth and Peter Jupp (London: MacMillan Press, Ltd., 1996), 194.

[79] Walter, "Facing Death Without Tradition," 194.

[80] Philip Mellor, for example, suggests that many of the features of modernity are still evident in the hospice: "The hospice, like the hospital, remains an institutional expression of the modern desire to sequestrate death away from the public gaze, and individuals in them are still subject to the technical expertise of the medical profession in much the same way" ("Death in High Modernity," 21). (To be sure, this point is somewhat mitigated by the fact that hospice care can now much more easily occur in the home, so that home deaths are on the rise.) Jeffrey Bishop suggests, along these lines, that the reintegration of language of "spirituality" in medical care is tinged with modern instrumental rationality. In order to gain legitimation—and more importantly, funding—in the world of "evidence-based" modern medicine, organizations that seek to provide "total care" must develop *quantifiable* "spiritual assessment" tools. Cf, Bishop, *The Anticipatory Corpse*, 21.

motivated by a desire to avoid death in the ICU. But a second commonality concerns issues of freedom, authenticity, and identity. According to Banner, "both movements are perhaps equally imbued with notions central to projects of self-expression and preservation of identity, characteristic of late modernity."[81] The goal of preserving agency and individuality is shared, but the strategies diverge: "Hospice care bids to preserve and maintain the project of the self for as long as possible up until the occurrence of biological death; euthanasia brings death forwards so as to avoid the risk of the death of the self prior to biological death."[82] The effects of this commonality on the burdened agent are ambivalent. On the one hand, we might say that this emphasis on agency and individuality constitutes a frank recognition of the context of moral responsibility. Perhaps this open acknowledgement of responsibility is a necessary first step toward finding innovative modalities of dying that feel less burdensome. On the other hand, one could argue that this emphasis merely reinforces the cultural dynamics that fuel the proliferation of choices and the deinstitutionalization of dying.

In various ways PAS, hospice, and palliative care medicine may help us to avoid some of the most dehumanizing effects of the ICU, but neither—when framed according to the logic of the modern social imaginary—delivers us from the perplexities of choice in dying and the sense that we are ill-equipped to manage the responsibility we bear.

§5. Conclusion: The Modern Identity and the Christian Standpoint

Let me briefly take stock of where we have come. We have noted how, in reaction to medicalized dying in the ICU and the burdened agency it brings about, two scripts for dying have risen to cultural prominence: hospice and palliative care, on the one hand, and PAS/euthanasia, on the other. We then turned to Charles Taylor's account of "modern identity" to highlight the philosophical anthropology and "moral ontology" which are both *expressed* and *reinforced* in these practices (or "scripts"). Notions of self-responsible freedom and rational autonomy, universal benevolence and justice, the affirmation of ordinary life, the avoidance of death and suffering, and the romantic expressivism which finds a moral source in nature and the "natural": these are some of the latent constitutive goods that inform our culture's responses to the difficulties of navigating end-of-life choices.

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[81] Banner, *The Ethics of Everyday Life*, 115.
[82] Banner, *The Ethics of Everyday Life,* 115.

At the conclusion of this chapter, I would like to turn our attention to the relationship between religious (specifically, Christian) thought and the modern identity. I do so in order to open up the current discussion to the distinctive contributions of theological claims and religious practice (the two being related in interesting and complex ways) for reconsidering our assumptions about agency at the end of life. For if the phenomenon of burdened agency results not only from the technological and medical advances of modernity, but also from the deep philosophical anthropology embedded in our common practices, then perhaps a reevaluation of our understanding of humanity and human agency will deliver a new way of approach.

I will take as my starting point theologian Graham Ward's work on cultural transformation and religious practice, which takes up and extends Taylor's notion of social imaginaries by placing it in conversation with "standpoint theory" developed by several philosophers of feminist epistemology. The question I want to explore in this section is this: if both the basic problem of burdened agency and the two most viable cultural responses to it are informed by a particularly dominant social imaginary (the argument of this chapter thus far), then how can those of us who are embedded within this social imaginary go about rethinking and reimagining our approaches to death and dying? This is, in a sense, similar to the question posed (somewhat rhetorically) by Jeffrey Bishop, at the conclusion of his book *The Anticipatory Corpse*:

> It just might be that the practices of religious communities marginalized in modernity and laughed at as unscientific are the source of a humane medicine. Perhaps there, in living traditions informed by a different understanding of space and time, where location and story provide meaningful contexts to offer once again hospitality to the dying as both *cura corporis* and *cura animae*, we will find a unity of material, function, form, and purpose… Might it not be that only theology can save medicine?

Putting aside the question of whether medicine (as a whole) needs to be saved, and what that could possibly mean, Bishop's question does point us in an important direction. There is much that theological reflection can offer to current medical practice and to the broader cultural imaginary, specifically with reference to how we imagine what it means to be human beings, creatures of the sort that we are, and what it means to wrestle with the characteristic opportunities and limitations that define our lives—and our deaths.

There are better and worse ways for thinking about the potential contributions of Christian thought and practice to end-of-life ethics. One potentially problematic way is to imagine that we can and should eschew modern, Enlightenment ways of thinking by cultivating a Christian worldview.

Not only is the language of "worldview" potentially limiting,[83] but so is the strict separation implied by a certain way of using categories such as "modern," "Enlightenment," and "Christian."[84] As is repeatedly emphasized by Taylor, central aspects of the "modern identity" are deeply rooted in Christian theological notions, even if they have since been transposed into a secular idiom that disguises the fact.[85] Similarly, none of us can wholly extricate ourselves from our moment in time in order to appeal to some pure ideal or form of "Christianity," which is not always already informed by a particular, historical social imaginary.[86] As Alasdair MacIntyre remarks, "we are all of us inescapably inhabitants of advanced modernity, bearing its social and cultural marks."[87]

One of the problems with discourse about "worldviews" is that such discourse tends toward abstraction and an overemphasis on cognition and ideas. This makes it seem as if a "worldview" exists "out there"—independent of the tradition which carries it forward in time, whose practices give it expression and lend it coherence—and all that is left is for us to recognize the worldview's appeal and choose to appropriate it. Perhaps, then, it would be better to focus on the internal logic of the traditions and communities themselves. For, again appealing to MacIntyre, drawing on the philosophical tradition of Wittgenstein, "it is only by *participation* in a rational practice-based

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[83] James K.A. Smith, for example, argues that Christians and Christian educators (especially in the Reformed tradition, from which he comes), have been inordinately preoccupied with the cultivation of Christian "worldviews." The idea of a "worldview," according to Smith, occludes the pre-cognitive and embodied nature of humanity and human knowing, and tends to be overly cognitive and individualistic. For this reason, Smith prefers Taylor's notion of a "social imaginary," which "constitutes a distinctly Christian understanding of the world that is implicit in the practices of Christian worship. Discipleship and formation are less about erecting an edifice of Christian knowledge than they are a matter of developing a Christian know-how that intuitively 'understands' the world in the light of the fullness of the gospel. And insofar as an understanding is implicit in practice, the practices of Christian worship are crucial—the sine qua non—for developing a distinctly Christian understanding of the world." See James K.A. Smith, *Desiring the Kingdom: Worship, Worldview, and Cultural Formation.* Grand Rapids: Baker Academic, 2009, 67-68. For Taylor's own distinction of "social imaginary" from "worldview," see Taylor, Charles. *A Secular Age*, 171-173.

[84] This is not to say that there is nothing we can identify as distinctively "modern," or distinctively "Christian"—if this were so, then my use of the terms so far has been meaningless. What is problematic is not the terms themselves, but the assumption that they represent hermetically-sealed categories, which are more or less mutually exclusive.

[85] So, Descartes' *cogito*, fairly or not, drew upon Augustinian notions of interiority and reflexivity; the "affirmation of ordinary life" with roots in Calvin and Luther's notions of "vocation" informs both Baconian science and the imperative to relieve suffering and death; Montaigne's romantic notions of the value of self-reflection and attunement to natural limits were deeply indebted to Christian doctrines of the falleness of human reason and the utter transcendence of God; a line runs from theological voluntarism to Enlightenment Deism, and from Enlightenment Deism to secular humanism. See Taylor, *Sources of the Self*, 315.

[86] As the history of fundamentalist Christianity in America demonstrates, the attempt to do so is itself ironically dependent on peculiarly "modern" notions of objectivity and epistemic certainty, as well as the centrality of sincerity and authenticity. See e.g., Adam B. Seligman, "Modernity and sincerity: problem and paradox," *The Hedgehog Review* 12:1 (2010): 53-61; Victoria S. Harrison, *Religion and Modern Thought* (London: SCM Press, 2007), especially Chapter 10, "Religious Fundamentalism and Modernity." On the cultural embeddedness of the gospel, see Lamin Sanneh, *Translating the Message: The Missionary Impact on Culture* (Maryknoll: Orbis Books, 1989).

[87] Alasdair MacIntyre, *After Virtue: A Study in Moral Theology* 3rd Ed. (London: Bloomsbury, 2007), xii.

community that one becomes rational."[88] In other words, beliefs and practices gain whatever coherence they have from the way they are found intelligible from within specific traditions and communities.

Jeffrey Bishop, for example, suggests that "the practices of religious communities" and "living traditions" provide an alternative social space wherein "location and story provide meaningful contexts" for healthcare, in general, and end-of-life care, in particular. According to Bishop, "local communities of robust metaphysical commitments are necessary to the discernment of what counts as a call from a suffering other, of how one might rightly receive that call, and of what a proper response to a call might look like. To do so, one would have to be immersed in and to believe in the metaphysical commitments of a particular community at a given time and place."[89] Bishop's call for immersion in local communities suggests that the particular contribution of religion is twofold: religious communities provide both cultural *preservation* and virtuous *formation*. First, set against the context of MacIntyre's account of tradition in *After Virtue*, communities of metaphysical commitments provide the promise of preserving internally coherent moral claims in the midst of a broader culture that has, at best, access to contesting and contestable "fragments" of morality.[90] Furthermore, as virtues depend upon both an agreed upon human teleology and a narrative which makes each life intelligible in light of its telos, the formation of virtuous people depends upon the existence of a community capable of carrying forward such a narrative and situating its members within it.[91] Many who hold this perspective are highly critical of the claim that virtues (such as those required of medical practitioners) are sufficiently cultivated by one's participation in the "moral community" that is

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[88] Alasdair MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame: University of Notre Dame Press, 1988), 396. Emphasis added.

[89] Bishop, *The Anticipatory Corpse*, 311-312.

[90] MacIntyre is not often cited in *The Anticipatory Corpse*, but his influence is evident. For this point, as well as for introducing me to the work of Graham Ward as an alternative model of cultural engagement, I am grateful to Brett McCarty. See Brett McCarty, "Diagnosis and Therapy in *The Anticipatory Corpse*: A Second Opinion," *Journal of Medicine and Philosophy* 41 (2016): 621-641.

[91] As MacIntyre writes in the preface to the Polish edition of *After Virtue*, "The flourishing of the virtues requires and in turn sustains a certain kind of community, necessarily a small-scale community, within which the goods of various practices are ordered, so that, as far as possible, regard for each finds its due place with the lives of each individual, or each household, and in the life of the community at large. Because, implicitly or explicitly, it is always by reference to some conception of the overall and final human good that other goods are ordered, the life of every individual, household or community by its orderings gives expression, wittingly or unwittingly, to some conception of the human good. And it is when goods are ordered in terms of an adequate conception of human good that the virtues genuinely flourish." Quoted in Stanley Hauerwas, *Working with Words: On Learning to Speak Christian* (Eugene: Cascade Books, 2011), 213. Much of Hauerwas's own work is an attempt to further MacIntyre's project from an explicitly theological perspective, as we shall see in Chapter 5.

constituted by the profession itself,[92] claiming that "medicine must… [instead] look outside its own methodological and clinical practices for grounding narratives sufficient to sustain the professional virtues."[93] As Brett McCarty notes, however, "what is left unclear, perhaps intentionally so, is whether these local communities must provide virtuous formation for medical practitioners working *within* the current world of medicine or whether these communities must form their own *alternate* medical institutions for training practitioners and practicing medicine."[94] The separatism implied in the second option will appeal to some,[95] and will come under harsh critique from others.[96]

I want to suggest, while such communities and alternative institutions might have their rightful place, a better way of thinking about religion, theology, and cultural engagement is provided by Graham Ward, who draws explicitly on the work of Charles Taylor on social imaginaries. Whereas the MacIntyrean emphasizes the internal coherence of distinct traditions,[97] Ward emphasizes their fluidity. "Cultures," according to Ward, "are polyphonic, hybrid, and fragmentary, always being composed and recomposed. They are sites of displacement and newly fashioned affiliation. They are dialogic entities."[98] The cultural landscape of any society, especially any late-modern society, is composed of multiple "symbolic world-view[s], embedded, reproduced and modified through specific social

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[92] For an example of this perspective, see Edmund D. Pellegrino, "The Medical Profession as a Moral Community," reprinted in Edmund D. Pellegrino and David C. Thomasma, *The Virtues in Medical Practice* (New York: Oxford University Press, 1993), 31-50.

[93] Warren A. Kinghorn, et. al., "Professionalism in Modern Medicine: Does the Emperor Have Any Clothes?" *Academic Medicine*, 82:1 (2007): 40-45.

[94] McCarty, "Diagnosis and Therapy in *The Anticipatory Corpse*: A Second Opinion," 628. Emphasis added.

[95] One thinks of recent discussions about "Benedict Option" communities, which in style if not substance, matches this strategic withdrawal from the broader culture. See Rod Dreher, *The Benedict Option: A Strategy for Christians in a Post-Christian Nation* (New York: Sentinel, 2017). Cf, Jonathan R. Wilson, *Living Faithfully in a Fragmented World: Lessons for the Church from MacIntyre's* After Virtue (Harrisburg: Trinity Press International, 1997).

[96] See, e.g., James Davison Hunter's critique of neo-Anabaptists (and neo-monastics), and the strategy of cultural engagement that seeks "Purity-from" the broader culture. James Davison Hunter, *To Change the World: The Irony, Tragedy, and Possibility of Christianity in the Late Modern World* (New York: Oxford University Press, 2010).

[97] So, e.g., in *Three Rival Versions of Moral Enquiry*, MacIntyre envisions the university as a realm of competition between incommensurable and untranslatable traditions (in particular, Thomistic Traditionalists and Nietzsche Genealogists), in which each tradition carries out moral inquiry in the context of basic agreement, and in which the confrontation of these traditions provokes epistemological crises where one tradition demonstrates a superior ability to account for reality. See Alasdair C. MacIntyre, *Three Rival Versions of Moral Enquiry: Encyclopedia, Genealogy, and Tradition* (Notre Dame: University of Notre Dame Press, 1990).

[98] Ward, *Cultural Transformation and Religious Practices* (Cambridge: Cambridge University Press, 2005), 6. It is interesting to consider such a view of culture in light of MacIntyre's trenchant and influential critique of the modern moral order in the first chapter of *After Virtue*, according to which we are all left with "fragments" of previous moral systems which coexist and are simultaneously employed by agents in moral deliberations, but which are deeply incommensurable when divorced from the traditions from which they originated. Ward might reply that culture, even the Aristotelian and Thomistic moral frameworks, we always already such "dialogic entities," bearing the marks of fragmentation and hybridity. Another reading might emphasize that cultures bear this character especially in our own time, and so Ward's framework is particularly suitable for thinking through our own problems. I have no interest in settling this debate, as I do not believe that doing so would add to the usefulness of Ward's account, nor detract from the value of MacIntyre's.

practices."[99] Given this multiplicity, instability, and fluidity, Ward asks "how religious faith negotiates a position with respect to the other fields of symbolic production."[100]

In working out his response, Ward emphasizes the fact that religious and theological frameworks cannot be wholly separated from the various cultures in which they are embedded. Therefore, to turn to theological discourses is not to turn to an isolated language game, to a pure, unadulterated discourse.[101] "Christian utterance…is constructed out of the cultural materials at hand. It is not homogenous but always hybrid, improvised, syncretistic and implicated in networks of association that exceed various forms of institutional, individual or sectarian policing."[102] Furthermore, Ward continues, "since Christians are also members of other associations, networks and institutions, what is both internal and external to Christian identity (and its continuing formation) is fluid."[103] Importantly, it is this "fundamental syncretism" of cultures that opens up the possibility of what Ward calls "practices of transformative hope."[104]

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[99] Ward, *Cultural Transformation and Religious Practices*, 5.

[100] Ward, *Cultural Transformation and Religious Practices*, 9.

[101] Ward reaches this conclusion through an extended engagement with the theological method of Karl Barth, which, according to Ward, attempted to render theological discourse "utterly distinct from philosophical discourse, or historical discourse, or scientific discourse of various kinds." As Barth claimed at the beginning of the *Church Dogmatics*, "There has never been a *philosophia christiana*, for if it was *philosophia* it was not *christiana*, and if it was *christiana* it was not *philosophia*" (CD I/1, 6). Ward regards such a claim with not a little skepticism. Ward presses, "if discourses are not bounded, if discourses exceed institution, contested and contestable framings [according to Ward, they do], then … Theological discourse can be understood as already participating in wider cultural negotiations and politics. Recently, Kathryn Tanner… has observed that contemporary cultural anthropology argues strongly against the corollary of this thesis which suggests 'Christians have a self-sustaining society and culture of their own, which can be marked off rather sharply from others.'" Ward, *Cultural Transformation and Religious Practices*, 47.

[102] Ward, *Cultural Transformation and Religious Practices*, 68. This is not to say that social construction goes all the way down. According to Ward, "[t]here remain events, eventualities and experiences… There are certain constancies the effects of which constitute various situated knowledges. For example, in Christian theology, the event of Christ has generated and generates many different situated interpretations; interpretations not only of that event (in the past) but of the meaning of Christian practice in the present with respect to that event in the past… constancies emerge in and through the history of interpretive engagement. In fact, one might measure the importance of an event by the strength of the hermeneutical activity it generates, and by the traditions of hermeneutical activity that accrue because of it…This radically hermeneutical situation might seem at first glance to be antithetical to any theological investigation, but in fact the situatedness of knowledge need not be of concern to Christian theology" (68-69). In fact, Ward continues, there are indeed theological reasons to see culture in this way. "This hermeneutics would imply that all things are given in the moment and in the situation in which they are given. The universal truth that is in God and is God is given in every particular in every moment. No law can determine the freedom of its gift or explain its appearance. Such a nonfoundationalism would develop a Christian theology of the gift, of the triune God in relation to creation, of time as the image of eternity—such that the singular uniqueness of every particular was sacred and, therefore, though not itself universal, nevertheless participating in that which governed all universality… Creation is constantly given" (69).

[103] Ward, *Cultural Transformation and Religious Practices*, 47.

[104] Thus, Ward claims, "The Christian community's practices of transformative hope, executed in the name of Christ, are disseminated through the world because the living community of the Church is implicated in other 'communities' and practices…. These members of the community of the Church are also members of other forms of fellowship, other bodies… This movement in, through and beyond the Church, in through and beyond the Church's endless cultural negotiations, is not a dialectic of progress or growth, because it moves between mysteries and confusion, but it is nevertheless teleologically driven" (55-56).

To elucidate, let us focus on Ward's use of "standpoint epistemology" to explain how individuals inhabit and navigate between multiple social imaginaries at once. As developed by a number of feminist philosophers,[105] a "standpoint" is "a shared knowledge; an understanding of the world that, in being articulated, is recognized and held to be a better account of the world than others available."[106] The word "shared" is key to this definition, for a standpoint is not reducible to a "subject-position," a term that reflects a commitment to a form of epistemological individualism. "The experience of the solitary knower is not a standpoint, for a standpoint…arises from a tradition of reflection and articulation," and is, in complicated ways, actually prior to the experience to the solitary knower. The relationship between "standpoints" and "subject-positions" is "complicated" by the fact that a particular standpoint is itself "constituted through identifications and engagements [on the part of individual moral agents] with reflective practices that have a history and certain organized centres [sic] of association."[107]

> Standpoints arise from identifications made in the social construction of situated knowledge. This does not mean the subject-position's sense of self is completely determined, because it does not mean that the individual disappears or simply becomes a nodal point or transistor in a network of forceful relations. The subject-as-agent is reflective in the economies of response. He or she has to evaluate and interpret experience and come to understand his or her own desires… [Standpoints are] arrived at by those within a specific tradition of reflective practice who identify themselves with sets of beliefs, having become persuaded of the validity of their truth-claims, in the ongoing cultural negotiation of that tradition with other traditions and newly formed associations… The legitimation of 'characteristics' as belonging to the 'patterns of belief' as they emerge, change and are contested is negotiated internally by that tradition, though that negotiation may well take into consideration observations made and comments passed by other tradition self-reflective practices.

So, standpoints come into being by the cumulative force of individual identifications, but subject-positions are at the same time established "within standpoints, [for] standpoints provide subject-positions with sets of identifications some of which are recognized and some of which are forged."[108]

Standpoint theory arose in the attempt to "develop an epistemology with respect to seeing things from the perspective of women's lives," which could demonstrate the "production of beliefs from specific locations and the challenges those beliefs pose to a culture's dominant, naturalized and

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[105] Most notably Sandra Harding and Nancy Hartstock. See Sandra Harding, *Whose Science? Whose Knowledge?* (New York: Cornell University Press, 1991); Sandra Harding, "Rethinking Standpoint Epistemology" in *Feminist Epistemologies*, eds. Linda Alcoff and Elizabeth Potter (London: Routledge, 1993); Nancy Hartstock, *The Feminist Standpoint Revisited and Other Essays* (Boulder: Westview Press, 1998).
[106] Ward, Cultural Transformation and Religious Practices, 76.
[107] Ward, *Cultural Transformation and Religious Practices*, 81, 82.
[108] Ward, *Cultural Transformation and Religious Practices*, 82.

unquestioned account of truth."[109] In its very recognition of the challenge a marginalized standpoint may pose to a more dominant standpoint, standpoint theory constitutes "a negotiation for the redistribution of power and its cultural productions… [providing] tools for a cultural negotiation aimed at social transformation."[110]

Importantly, such negotiation does not simply occur *between* individual agents, but also *within* each agent, for each of us inhabits multiple standpoints at once. "[A]ny subject-position may embrace several standpoints, for several traditions of reflective practice may converge, overlap or stand in tension" for any particular individual.[111] So, for example, these convergences and tensions might arise between Ward's identifying as a white, middle-class Englishman, as a priest, and as a socialist.[112] McCarty helpfully suggests the relevance of this point for the practice of medicine:

> For medical practitioners, this means that no single standpoint is so dominant that all other standpoints are excluded. The logics found in the practices of the ICU, as described by Bishop, are not the only logics at work in modern medicine: charting, billing, emergency surgery, and oncology all carry their own distinct standpoints, as do the practices of taking a medical history, conducting a physical examination, and caring unconditionally for one's patient. These standpoints are distinct in important ways … yet they are all found within modern medical practice.[113]

Ward insists that the multiple standpoints we inhabit do not simply coexist, but are continually ordered into a normative hierarchy. "Just as personal hierarchies emerge between evaluations and interpretations with respect to the extent to which they determine subsequent actions, so a hierarchy may structure the relations between various standpoint identifications for any one subject. This may be particularly so if one of the standpoints has transcendent significance."[114] McCarty drives home the implications of this point for how to think about the role of religion and theology in cultural engagement:

> By acknowledging the possibility that standpoints with "transcendent significance" are well-positioned to interpret, engage, and order other standpoints into the integrity of a single

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[109] Ward, *Cultural Transformation and Religious Practices*, 73.
[110] Ward, *Cultural Transformation and Religious Practices*, 74.
[111] Ward, *Cultural Transformation and Religious Practices*, 83.
[112] These standpoints, it should be noted, should not be understood in static and idealized terms. As Ward continually reminds us, standpoints are themselves continually negotiated and modified in the course of time. Furthermore, the various standpoints which constitute the individual subject-position are constantly interacting with one another, such that "[s]peaking and acting from any single stand-point will be affected by the relations between that standpoint and the other standpoints and subject identifications. This set of relations will bring to each standpoint something distinctive and particular about that subject." A socialism of a Christian priest, for example, will inevitably take on a different inflection from the socialism of a committed atheist—just as the "Britishness" of a white, middle-class man will differ from the "Britishness" of an aristocratic elite with a title or a woman of middle-eastern descent.
[113] McCarty, "Diagnosis and Therapy in *The Anticipatory Corpse*: A Second Opinion," 630.
[114] Ward, *Cultural Transformation and Religious Practices*, 83.

> subject-position, Ward describes how a religious moral agent can navigate complex spaces made up of competing practices and imaginaries. Rather than creating separate social spaces, the contribution of "local communities of robust metaphysical commitments" can be found in enabling—and, in fact, enjoining—practitioners to do the hard work of evaluating and ordering the multiple standpoints that make up the rhythms of each day.[115]

The point is that Christianity may be understood as a distinct standpoint,[116] one with unique potential to upset and challenge dominant social imaginaries. Notably, however, this need not require the creation of *separate* social spaces and distinctively *Christian* institutions. Rather, it requires, according to Ward, a dual commitment to the tasks of "[1] generating new imaginary significations and…[2] of forming institutions that mark such significations."[117] The second task, as important as it may be, must be informed by and accompanied by the first.

"Generating new imaginary significations" is for Ward primarily a linguistic and hermeneutical task. It involves the re-narrating the practices of everyday life from the Christian standpoint, such that this alternative moral description poses a challenge to the logics of dominant social imaginaries. "Christian theology tells God's story in the place where any theologian finds himself or herself situated."[118] In this sense, theology is always "public theology," insofar as all theology is necessarily "implicated in cultural negotiations, and to that extent is always already engaged in an ongoing apologetics."[119] The act of creative description—what Ward labels "*poeisis*"—is symbolic practice that draws "upon what is available and already rendered significant in the world…[and] translates them into something new." This opens up "new possibilities, new relationship between objects, new

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[115] McCarty, "Diagnosis and Therapy in *The Anticipatory Corpse*: A Second Opinion," 630.

[116] Thus, Ward suggests "that Christianity constitutes a standpoint. In fact, any theological commitment constitutes a standpoint with respect to the epistemic dominance of secular, material and immanent world-views" (75). It may rightfully be pressed, in light of the dynamic, fluid, and syncretistic nature of standpoints, whether it makes sense to speak of any such thing as *a* Christian standpoint. Ward feels the weight of the objection, which must be held in tension with specifically theological reasons for maintaining a unitary linguistic use of the term "Christian." "As there is no one feminism and so no one feminist standpoint, so there is no one socialism or socialist standpoint or no one Christianity or Christian standpoint… Of course… though culturally there are diverse forms of Christianity and therefore multiple inflexions of the Christian standpoint, theologically there remains the belief in one Church and one baptism; a conformity with Christ that indicates there is formally 'in Christ' only one Christianity, though what is understood as 'Christ' and being 'in Christ' may vary considerably" (85).

[117] Ward, *Cultural Transformation and Religious Practices*, 146.

[118] Ward, *Cultural Transformation and Religious Practices*, 53.

[119] Ward, *Cultural Transformation and Religious Practices*, 53. What Ward refers to as cultural "apologetics" is distinct from what is sometimes meant by the term, namely, the offering of an objectively neutral and rational defense of the claims of Christianity which cannot rationally be rejected. Apologetics, according to Ward, involves offering a description, or narration, that compels pragmatic assent. For, "the believability of beliefs lies in what those beliefs facilitate more widely—what satisfactions, appeasements, consolations, coherences (all of them different pleasure affects) they off to the needs of the society in which they appear." Therefore, the cultural activity of theology "not only creates new connections, it creates new orientations for desire and new possibilities for the satisfaction of desire…. This is the place where the contestation of standpoints… becomes culturally creative" (158).

significances for objects (because of these new relationships), new ways to perceive, desire, interpret and rethink the world."[120] In other words,

> Theology's task with respect to culture is to allow for that searching by Christ, in Christ, of the cultural imaginary. This is a reading of the signs of the times not just for the Church… but for the times themselves, so that the culture itself might begin to understand its own aspirations and limitation, the hope for which it longs and the depths of fallenness into which it continually commits itself.[121]

Interestingly, Ward argues that Christian *poiesis* has unique potential for considerable impact on public accounts of what is true in our contemporary moment for two reasons. "The first condition is the cultural shift registered in such words as 'postmodernity', 'late-capitalism', 'post-industrialism' and 'post-secularism'. The new visibility of religion has created new receptivities to religious pieties… The second prevailing condition is the long-term indebtedness of cultural traditions in the West to Christianity's ideas, myths, motifs, symbols and practices."[122] (165). This second condition, McCarty points out, makes our practices "amenable to multiple moral descriptions," which McCarty believes to be a necessary precondition for the generation for new imaginary signification with respect to existing everyday practices.[123]

Following from Ward's analysis of religious practice and cultural transformation, I suggest that we understand the claims of Christianity in terms of standpoint epistemology, as alternative knowledges that may provide interesting and fruitful accounts of human agency that critique and subvert aspect of the dominant social imaginary (what Taylor calls "modern identity). With respect to the central concept of burdened agency, attention to the Christian standpoint may offer a compelling alternative to the dominant social logics that attempt to solve the problem of the ICU by way of two cultural scripts that are often incompatible, as Banner has shown, with the "long-dying" and "dwindling" that increasingly characterizes the end of life in the late-modern West. In the following chapters, we will consider three theological approaches to death and dying in the Christian tradition in order to articulate some ways in which theology might re-narrate agency in dying. The beliefs and practices of Christianity that arise from the following chapters will provide the context, in the final chapter, for a re-description of end-of-life practices. I intend this re-description, in the spirit of cultural *poeiesis*, as a theologically-informed standpoint-project, which hopes to win credibility in the public

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[120] Ward, *Cultural Transformation and Religious Practices*, 144-145.
[121] Ward, *Cultural Transformation and Religious Practices*, 59.
[122] Ward, *Cultural Transformation and Religious Practices*, 165.
[123] See, McCarty, "Diagnosis and Therapy in *The Anticipatory Corpse*: A Second Opinion, 632.

cultural imaginary. As we shall see, this cultural *poeisis* does not so much yield a comprehensive plan of action or series of action-guidelines for practicing Christians (much less for society as a whole). Instead, it aims at the rather humbler goal of providing an alternative creative symbolic logic to available practices.

CHAPTER 3:
ROMAN CATHOLIC MORAL THEOLOGY ON AGENCY-IN-DYING: SPIRITUALITY OF MARTYRDOM

§1. Introduction: Agency-in-Dying: Active, Passive, or Something Else?

Philosopher Margaret Pabst Battin has suggested that there exists in contemporary society a "Great Divide" concerning the way we ought to die, and, specifically, concerning "the individual's role in his or her own death: whether one's role should be as far as possible active, self-assertive, and responsible and may include ending one's own life—or, on the other hand, acceptant, obedient, and passive in the sense of being patient, where 'allowing to die' is the most active step that should be taken."[1] If we imagine these two positions as poles at either end of a spectrum of views, according to Battin, we could label the first as the "Stoic" view and the latter as the "Christian" view. In this chapter, we will focus on the tradition of Roman Catholic moral theology, which arguably is what Battin has in mind when she labels the second view "Christian." For instance, after laying out the Stoic philosopher Seneca's position on suicide and the self-embraced death,[2] she turns to St. Thomas Aquinas' view of the morality of suicide:

> … to kill oneself is altogether unlawful for three reasons. First, because every thing loves itself, it is thus proper for every thing to keep itself in being and resist decay as far as it can. Therefore, to kill oneself is contrary to natural inclination, and contrary to the charity according to which everyone ought to love himself. Hence self-killing is always a mortal sin, inasmuch as it stands against natural law and charity. Second, because every thing that is a part belongs to a whole, every man is part of a community, and as such is of the community. Therefore, he who kills himself injures the community… Third, because life is a gift divinely given to man, and subject to the power of Him 'who kills and makes to live.' Therefore, he who deprives himself of life sins against God… To God along belongs the power over death and life…[3]

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[1] Margaret Pabst Battin, *Ending Life: Ethics and the Way We Die* (New York: Oxford University Press, 2005), 6.

[2] Seneca, in his *Moral Letters to Lucilius* (Letter 70), describes the outlook of the Stoic sage in the following manner: "Living is not the good, but living well. The wise man therefore lives as long as he should, not as long as he can. He will observe where he is to live, with whom, how, and what he is to do. He will always think of life in terms of quality, not quantity. If he encounters many vexations which disturb his tranquility, he will release himself. He will do this not only in an extreme exigency, but as soon as he begins to suspect Fortune he will look about him carefully to determine whether he ought to have done. He will consider it of no importance whether he causes his end or merely accepts it, whether late or early. He does not shrink as before some great deprivation, for not much can be lost from a trickle. Dying early or late is of no relevance, dying well or ill is. To die well is to escape the danger of living ill… Just as I choose a ship to sail in or a house to live in, so I choose a death for my passage from life. Moreover, whereas a prolonged life is not necessarily better, a prolonged death is necessarily worse… A man's life should satisfy other people as well, his death only himself, and whatever sort he likes is best." The resonance with the contemporary "Death with Dignity" movement is striking.

[3] Thomas Aquinas, *Summa Theologiae* 2a2ae, question 64, article 5. Translated by Michael Rudick. Unpublished text. Cited in Battin, *Ending Life*, 5.

Battin presents Aquinas as representative of a general Christian perspective, which through various historical forces has come to be a "fundamental part of Western culture." Whether religious or not, each of us has likely "imbibed" (more-or-less subconsciously) the view that one ought not end one's own life.[4]

The purpose of this chapter is threefold. First, it seeks to highlight how the question of how one's agency ought to relate to one's dying has been addressed in the tradition of Roman Catholic moral theology. In doing so, we will be in a better position to evaluate whether the Christian view indeed stands at the far end of a spectrum of activity-passivity. Ultimately, I will argue, Battin's characterization is valid in broad strokes, but does not adequately account for the diversity and nuances within the tradition, especially among modern and contemporary moral theologians. Second, because the tradition in question arguably is the classical, traditional Christian perspective, it will provide a useful point-of-reference when, in future chapters, we turn to more modern and contemporary theological accounts. Third, as Roman Catholic moral theology is a "living tradition," responsive both to its theological inheritance and to its historical context, we are likely to find helpful material resources for thinking through the issue of "burdened agency" and for formulating a wise and faithful conception of human agency in the face of death and mortality.

Charles Curran S.J., has suggested that especially since the early 1970s, "three generic approaches" have arisen within the overarching tradition of Roman Catholic moral theology: "[1] the older neoscholastic approach that served as the basis of the hierarchical teaching; [2] a new natural-law approach associated with Germain Grisez and John Finnis that strongly supports the positions of the hierarchical magisterium; and [3] a revisionist perspective that disagrees with and dissents from some teachings of the hierarchical magisterium."[5] I will take Curran's typology as a basic framework for this chapter. Each of the three approaches is distinctive, but they remain within the broader tradition of Roman Catholic moral theology, overlapping in important ways. It should not be surprising that there are general areas of agreement between the approaches. Though I am choosing to treat each separately in order heuristically to draw attention to the differences, one should keep in

[4] Battin, *Ending Life*, 5.
[5] Charles E. Curran, "The Catholic Moral Tradition in Bioethics," in *The Story of Bioethics: From Seminal Works to Contemporary Explorations*. Edited by Jennifer K. Walter and Eran P. Klein (Washington D.C.: Georgetown University Press, 2003), 124.

mind MacIntyre's description of a tradition as a "historically extended, socially embodied argument."[6] The three approaches, in other words, are voices in one conversation.

In the next section (§2), I will describe in broad strokes the magisterial understanding of human mortality and the position of the Magisterium on a variety of moral issues that relate to agency-in-dying. This will inevitably include a discussion about suicide, but it will also be important to touch on the distinction between ordinary and extraordinary medical treatment, as well as magisterial teachings on euthanasia and the withdrawal of artificial nutrition and hydration (AN&H).[7] After discussing the magisterial teaching, we will then turn in the following section (§3) to the "new-natural law" (NNL) approach. The importance of NNL, at least as it concerns us, lies both in its influence on public policy, which is sizeable, and in its simplicity and clarity regarding the issue of intending and causing death. The position outlined by natural lawyers will be the one many, including Battin, associate with the "Christian" view of agency-in-dying, but it is only one way of approach within the broader tradition of Roman Catholic moral theology. Finally, we will then discuss two moral theologians who belong to neither the neoscholastic nor the NNL approach: namely, Richard McCormick S.J. (§4), and Karl Rahner S.J. (§5).[8] We might, with Curran, call them "revisionists," but it is probably better to label theirs as a "theological approach," as each gives considerable attention to the moral implications of theological doctrines, and each embodies a post-Vatican II methodology of incorporating explicit theological reflection into moral deliberation and analysis. In the conclusion of this chapter (§6), we will draw on the work of Servais Pinckaers O.P. to suggest that the best way of approaching the issue of agency-in-dying is to consider each in terms of what Pinckaers calls a "spirituality of martyrdom,"[9] which understands the goal of the Christian moral life as faithful witness to the point of death.

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[6] Alasdair MacIntyre, *After Virtue*: *A Study In Moral Theory*. 2nd ed (Notre Dame: University of Notre Dame Press, 1984), 222.

[7] Importantly, however, I want to avoid the impression that ethics is simply about "quandary ethics." (Cf., Edmund L. Pincoffs, *Quandaries and Virtues: Against Reductivism in Ethics* (Lawrence: University Press of Kansas, 1986), 14). What matters is not simply concrete answers to difficult cases, but also the assumptions behind our answers, the social imaginary which makes our answers seem plausible, and the processes of moral formation that shape our basic dispositions and virtues, as we have discussed at length in chapter 2 of this dissertation. In the final section of this chapter, we will return to this point in a discussion of the "spirituality of martyrdom" that can be derived from major strands of Roman Catholic moral theology.

[8] Though McCormick was influenced by Rahner, significant differences remain between their approaches to moral issues. I underscore this point to draw attention to the fact that there exists a considerable diversity of views within what Curran calls the revisionist/theological approach. Space precludes a comprehensive, or even preliminary, survey of such positions, so I have chosen to limit my analysis to these two formidable and seminal figures.

[9] Servais Pinckaers, *The Spirituality of Martyrdom ... To the Limits of Love* (Washington D.C.: The Catholic University of America Press, 2016).

§2. The Teachings of the Magisterium on Death and Dying

§2.1. Background: Neoscholasticism

According to Francis Schüssler Fiorenza, the characteristic contribution of Roman Catholic Neoscholastic theology is the "theological school manual."[10] These manuals, which especially through the late 18th-early 20th centuries became instrumental in Roman Catholic theological education, followed a fairly consistent approach and method of presentation. Manuals typically were arranged by topic or loci. The starting point for a discussion of a topic would always be a presentation of the official position of the Church on that particular topic. The goal of this first section was to clarify the official position, in order, then, as a second step, to demonstrate its veracity from Scripture and tradition.[11] After presenting the position of the church and the biblical and historical foundations for that position, the manual moved on to a final step, which included "speculative exposition" and "actualization." In the former, the manual would comment on the systematic implications of the thesis in question in order to attain a more profound understanding of the truth of the Church's position. In the latter, the manual would apply the Church's position to concrete issues (moral, political, social), thereby situating the teaching in the contemporary historical moment and demonstrating its relevance. Through this process the manuals provided clear moral norms for pastoral counsel, as well as guidance for penitential practices.[12]

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[10] Francis Schüssler Fiorenza and John P Galvin. *Systematic Theology: Roman Catholic Perspectives* (Dublin: Gill and Macmillan, 1992), 22.

[11] The methodology of neoscholasticism, rooted as it was in the context of post-Reformation Roman Catholicism, reflects a desire to shore up the foundations of Church teaching, and to distinguish the position of the Magisterium from potential challenges to Church authority. So, for example, largely as a reaction to Protestant appeals to "scriptural authority," the Neoscholastic manuals emphasized the priority of official Church dogma. The Church teaching was considered the "immediate rule of faith" that provides "a clear rule and definite standard, enabling believers to ascertain those truths contained in Scriptures and traditions," which were considered the "remote rule of faith." See Fiorenza, *Systematic Theology: Roman Catholic Perspectives*, 23.

[12] This last step—actualization—often involved a process of case analysis formally known as "casuistry." While casuistry, as a method of moral reasoning, long predates the theological manuals (even within the Christian tradition), elements of casuistry remain important for neoscholastic moral theology. (See James F. Keenan and Thomas A Shannon, *The Context of Casuistry* (Washington, D.C.: Georgetown University Press, 1995), especially Part 4: "The Legacy of Casuistry: Manuals and Development." See also Albert R. Jonsen and Stephen Toulmin. *The Abuse of Casuistry: A History of Moral Reasoning* (Berkeley: University of California Press, 1988), 142 ff.). Jonsen and Toulmin have argued that casuistry was not a self-conscious methodology, but that it grew more or less organically from the use of practical moral reasoning within the church. Nevertheless, they identify six steps that were typical of the casuistic method (*The Abuse of Casuistry*, 251 ff.). The first step involved identifying and organizing paradigm cases, clear and simple examples that demonstrate the vice, virtue or sin that is in question. Along with the paradigm cases were included cases which seem by analogy to be similar. The second step was to formulate a moral maxim that explained the salient features of the offence (e.g., "murder is the direct

Though it is not itself a "theological manual," we can begin a material presentation of the magisterial teaching on death, dying, and human agency with a review of the relevant sections of the *Catechism of the Catholic Church*, which, in important ways, bears the marks of neoscholasticism.[13] The *Catechism*, initially promulgated by Pope John Paul II in 1996, "aims at presenting an organic synthesis of the essential and fundamental contents of Catholic doctrine, as regards both faith and morals, in the light of the Second Vatican Council and the whole of the Church's Tradition. Its principal sources are the Sacred Scriptures, the Fathers of the Church, the liturgy, and the Church's Magisterium" (CCC, Prologue.3.11).

§2.2. Magisterium on Human Mortality

The *Catechism* teaches that the first human pair initially enjoyed perfect fellowship and harmony with God that permeated all aspects of their life and preserved them in a state of "original justice." In this state, human beings were "mortal," but were not "destined to die" (CCC, 1.2.3.11.2). "As long as he remained in the divine intimacy, man would not have to suffer or die" (CCC, 1.2.1.1.6). The prohibition against eating from the "'tree of the knowledge of good and evil' symbolically evokes the insurmountable limits that man, being a creature, must freely recognize and respect with trust" (CCC. 1.2.1.1.7). In choosing to eat of this tree, the human being "chose himself over God," and attempted to be like God (*sicut Deus*), but "without God, before God, and not in accordance with God" (ibid.). This choice had the momentous repercussion of dissolving the state of original justice, and disrupting the harmony between the soul and body, eventuating in the dissolution and destruction of their unity in death. In this way, "death makes its entrance into human history" (ibid.).

Notably, under this conception, which we may consider representative of the traditional Christian view, human death enters God's creation as a result of human action, and both action and result run counter to God's original intention for human beings (CCC, 1.2.3.11.2). For support of this position, the *Catechism* cites the deuterocanonical Book of Wisdom: "God did not make death, and he

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and intentional taking of an innocent life"). Third, the casuists typically examined a variety of circumstances that may either mitigate or aggravate the seriousness of the action. The fourth step is to indicate how probable or certain the conclusions may be considered, followed by (step 5) an accumulation of supportive arguments and prooftexts. Finally, the casuist would offer a practical resolution to the moral issue at hand. It is important to note the role of casuistry because Catholic moral theology is often (mis)understood as involving the direct application of eternal and timeless (acontextual) rules. While this does occur in Catholic moral theology, we should always keep in mind the fact that behind certain magisterial (i.e., top-down) pronouncements may lie a history of contextual and pragmatic (i.e., bottom-up) reasoning.

[13] *Catechism of the Catholic Church.* Vatican City: Libreria Editrice Vaticana, 2003. Accessed online at http://www.vatican.va/archive/ENG0015/_INDEX.HTM. Hereafter cited in text.

does not delight in the death of the living. . . It was through the devil's envy that death entered the world" (Wisdom 1:13, 2:24). Nevertheless, human beings were are not understood to have been created with natural immortality. In Thomas Aquinas's words, death is "in one way natural, in another unnatural." Before the fall,

> the human body was not indissoluble by reason of any intrinsic vigor of immortality, but by reason of a supernatural force given by God to the soul, whereby it was enabled to preserve the body from all corruption so long as it remained itself subject to God… this favor was withdrawn due to the sin of the first parents. Accordingly death is both natural on account of a condition attaching to matter, and a punishment on account of the loss of the Divine gift preserving the human being from death.[14]

On this view, God does not alter human nature by making human being mortal, but rather allows the natural course of death to occur. Nevertheless, when does occurs it is "unnatural," for it leads to separation of the soul from the body, leaving both in a state not in accord with their *telos*, or perfection.[15]

The *Catechism* returns to the theme of human mortality when it presents the Church's teaching on the death of Christ. In his crucifixion and burial, Jesus did not only "die for our sins" but also "tasted death," experienced the condition of the separation of body and soul. On Holy Saturday, Christ "descended into hell" in order to save the righteous ones (including Adam and Eve) who had gone before him. Interestingly, the tradition seems to hedge a bit at this point, stressing that Jesus's death was a "real death" (i.e., separation of body and soul), but adds that his body retained a union with the person of the Son, so that "his was not a mortal corpse like others" and did not experience decay (CCC, 1.2.2.4.3).

§2.3. Moral Agency at the End of Life

The *Catechism* goes beyond laying out the doctrinal basics for a general understanding of death and mortality, and addresses dying as a moral issue for the Christian. How is the believer to understand and approach her death? She is first to recognize that bodily death is "in a sense…natural." The

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[14] Thomas Aquinas, *Summa Theologica* IIa. IIae. Q.164, A.1.

[15] Though Thomas thinks that the soul can achieve Beatitude (the *visio Dei*) apart from the body, he also holds that, separated from the body, the soul is not yet perfected. "The desire of the separated soul is entirely at rest, as regards what is desired; since, to wit, it has that which satisfies its appetite. But it is not wholly at rest as regards the desirer, since it does not possess that good in every way that it would wish to possess it. Consequently, after the body has been resumed, happiness increases not in intensity but in extent" (Aquinas, *Summa Theologica* Ia. IIae. Q.4, A.5).

awareness of the fact that, like all living things, we will develop, grow old, and eventually die should lend a sense of urgency to our lives: remembering our mortality helps us realize that we have only a limited time in which to bring our lives to fulfillment (CCC, 1.2.2.5.1; cf. Ecclesiastes 12:1). Death is the end of one's earthly pilgrimage, closing the period during which one works out one's eternal destiny. "It is appointed for man to die once, then comes the judgment" (Hebrews 9:27). Even though "death seems like the normal end of life," however, the Magisterium is also clear that it is in fact "the wages of sin"—contrary to the plan of God and "the last enemy" to be destroyed. It is not, in and of itself, a good or natural thing.

There is room, however, for a legitimate "experience of a desire for death" (CCC, 1.2.2.5.1). This is possible because Jesus, through his free obedience and submission unto death, has "transformed the curse of death into a blessing." If the believer, through the sacrament of baptism, has already been incorporated into Christ's death and resurrection, then physical death becomes, for those who die in Christ's grace, the completion of this incorporation and a "passing over" into the presence of God. The *Catechism* sees "dying in Christ" as the ultimate fulfillment of the entire Christian sacramental life: "For the Christian the day of death inaugurates, at the end of his sacramental life, the fulfillment of his new birth begun at Baptism, the definitive 'conformity' to 'the image of the Son' conferred by the anointing of the Holy Spirit, and participation in the feast of the Kingdom which was anticipated in the Eucharist - even if final purifications are still necessary for him in order to be clothed with the nuptial garment" (CCC, 2.2.4.2.1).[16] The interconnection between sacramental practices and a Christian understanding of agency-in-dying will be the central theme of Chapter 6.

On the traditional view, death is an evil, though not the greatest evil, and life is a good, but not the greatest good.[17] One may then ask: if death can be legitimately desired by the Christian, can it be intentionally sought and enacted? Here the Magisterium answers clearly in the negative. On the topic of suicide the *Catechism* stresses that life is a gift that comes from God, but in such a way that God "remains sovereign Master of life" (CCC, 3.2.2.5.1).[18] In light of that fact, each person is

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[16] Mark Latkovic has called the *Catechism*, especially part 3, "the culmination of the work toward renewal in moral theology" initiated at Vatican II. The influence of Rahner is notable especially here. See, "Moral Theology: A Survey," in *Encyclopedia of Catholic Social Thought, Social Science, and Social Policy.* Vol. 2. Edited by Michael L Coulter. Lanham: Scarecrow Press, 2007, 719. Cf. *Optatum Totius*, 16.

[17] See, e.g., John Paul II, *Evangelium Vitae*, n. 47: "Certainly the life of the body in its earthly state is not an absolute good for the believer, especially as he may be asked to give up his life for a greater good.... No one, however, can arbitrarily choose whether to live or die; the absolute master of such a decision is the Creator alone, in whom 'we live and move and have our being' (Acts 17: 28)."

[18] Cf., U.S. Conference of Catholic Bishops, *Ethical and Religious Directives for Catholic Health Care Services,* 5th ed. (2009), p. 29. http://www.usccb.org/issues-and-action/human-life-and-dignity/health-care/upload/Ethical-Religious-Directives-Catholic-Health-Care-Services-fifth-edition-2009.pdf.

"responsible for his life" and should "accept [it] gratefully and preserve it," remembering that each of us is a "steward, not owner, of the life God has entrusted us" (ibid.). The *Catechism* provides several specific reasons why suicide is considered a grave moral offence, including: (a) as mentioned, it places the human being unjustly in the place of God as the one with proper authority to dispose of life; (b) the act of suicide runs counter to the natural and proper desire for self-preservation; (c) it violates self-love; (d) it violates neighbor-love by breaking one's ties of solidarity with one's family and community; and (e) it runs counter to the love of God by failing to accept the gift of life appropriately.[19] While the *Catechism* urges an agnostic, yet hopeful, stance regarding the possibility of the eternal salvation of those who take their own lives, and while it acknowledges circumstances which may mitigate the guilt incurred in such an act, it nevertheless holds that any act of intentional self-killing is a violation of the law of God as expressed in the fifth commandment.[20]

For similar reasons, the Magisterium likewise condemns medical assistance in suicide, as well as acts of euthanasia, as "morally unacceptable" (ibid.).[21] Any "act or omission which, of itself or by intention, causes death in order to eliminate suffering constitutes a murder gravely contrary to the dignity of the human person and to the respect due to the living God, his Creator" (ibid.). This hold true no matter what motive lies behind the act (e.g., a compassionate desire to relieve suffering), or what means is used to carry it through. For instance, the *Catechism* explicitly forbids the interruption of "ordinary care," like artificial nutrition and hydration,[22] "even if death is thought imminent" (ibid.).

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[19] The Sacred Congregation for the Doctrine of the Faith (CDF), in its *Declaration on Euthanasia*, calls suicide a "rejection of God's sovereignty and loving plan… a refusal of love for self, the denial of a natural instinct to live, a flight from the duties of justice and charity owed to one's neighbor, to various communities, or to the whole of society."

[20] The *Declaration on Euthanasia* asserts that taking one's life is "equally as wrong as murder," though circumstantially guilt for the act might be diminished, or even "completely remove[d]." http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19800505_euthanasia_en.html.

[21] Cf., John Paul II, *Evangelium Vitae*, 65.

[22] In the 4th edition to the *Ethical and Religious Directives for Catholic Health Care Services*, issued in 2001, the U.S. Conference of Catholic Bishops noted that the withdrawal of AN&H from comatose or PVS patients had not been settled by the Magisterium. According to the *Directives* (2001), "hydration and nutrition are not morally obligatory either when they bring no comfort to a person who is imminently dying or when they cannot be assimilated by a person's body." This, however, had apparently changed by the time the 5th edition found publication in 2009. By that time, Pope John Paul II had declared that to withhold AN&H from the patient in a permanent-vegetative state, is "true and proper euthanasia by omission," because it is known that that death by starvation and dehydration is the only possible outcome. It is not possible in such a situation to regard the death that occurs as a foreseen, but unintended consequence of the act of withdrawing AN&H. See Address of John Paul II to the Participants in the International Congress on "Life-sustaining Treatments and Vegetative State: Scientific Advances and Ethical Dilemmas" (March, 2004). http://w2.vatican.va/content/john-paul-ii/en/speeches/2004/march/documents/hf_jp-ii_spe_20040320_congress-fiamc.html.

It should be noted, that though this interpretation is widely considered to be the correct one, some have argued that it hinges on a misunderstanding of what Pope John Paul II was actually discussing in this particular address. For example, James T. Bretzke S.J. argues that one must bear in mind a series of general guidelines for the "exegesis" of Magisterial teachings. Following the Vatican II document *Lumen gentium* (*The Dogmatic Constitution of the Church*), he asserts that "…the character of the teaching itself, the frequency with which the teaching is reaffirmed, and the manner in which

The Magisterium draws a distinction between passive euthanasia and the withdrawal or withholding of treatments that are considered "burdensome, dangerous, extraordinary, disproportionate… [or] 'over-zealous'" (ibid.). Such procedures may be legitimately refused even if doing so will knowingly lead to death which may otherwise have been delayed. Though the Magisterium rejects ending life in order to alleviate suffering, it does not reject the desire to alleviate suffering. Palliative care is upheld as a proper aim of medicine: it is good and right to relieve suffering when possible. Suffering, however, is not treated as an inherently "meaningless" phenomenon, but rather may be "an opportunity for sharing in a particular way in the Lord's Cross, the source of spiritual fruitfulness."[23] Furthermore, the Magisterium allows for the use of medicine to alleviate suffering, even at the risk of hastening death, so long as "death is not willed as either an end or a means, but only foreseen and tolerated as inevitable" (ibid.). The underlying principle given: "Here one does not will to cause death; [rather] one's inability to impede it is merely accepted" (ibid.). As one commentator sums up the moral stance of the Roman Catholic Magisterium: "The Christian should neither exhaust life to avoid death nor administer death before the Author of life."[24]

§2.4. Preliminary Observations

At this point, let us make a few observations about the teaching of the Magisterium. (1) In the RCMT tradition, the basic unit of moral analysis is generally the individual "act." Morality concerns human

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the teaching is given" (184) must each be considered in interpreting Church teaching. So, for example, a teaching frequently repeated over time may hold more authority than one which has only occasionally been articulated, or which was once regularly taught but which, over time, has been increasingly ignored (e.g., the prohibition of interest as usurious). Likewise, an official dogma promulgated by a Church council or by the Pope, speaking *ex cathedra*, carries much greater weight than, say, an informal address from the Pope to a group of Italian midwives. Bretzke argues, in short, that the March 2004 address (and, in particular, the statement made there that AN&H "should be considered, in principle, ordinary and proportionate, and as such morally obligatory, insofar as and until it is seen to have attained its proper finality, which in the present case consists in providing nourishment to the patient and alleviation of suffering") must be read in light of other, more authoritative, explanations of "ordinary" and "extraordinary" treatments in, e.g. the CDF's "*Iura et bona*: Declaration on Euthanasia," John Paul II's *Evangelium vitae*, and the *Catechism of the Catholic Church* (192). Bretzke concludes that "The main thrust of the address is not aimed at reversing the centuries-old tradition of ordinary and extraordinary means, which would have to be the case if in fact the pope meant that AN&H would have to be always administered regardless of the necessary subjective considerations of the individual patient's own benefit and burden calculus" (194). See James T. Bretzke, S.J., "The Burden of Means: Interpreting Recent Catholic Magisterial Teaching on End-of-Life Issues," *Journal of the Society of Christian Ethics* 26:2 (2006): 183-200. This conclusion is echoed by Lisa Sowle Cahill, "Catholicism, Death, and Modern Medicine," *America* (April 25, 2005): 14-17.

[23] Congregation for the Doctrine of the Faith, "Instruction on Respect for Human Life in its Origin And on the Dignity of Procreation," February 22, 1987. http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19870222_respect-for-human-life_en.html.

[24] Joseph M. Mauceri, "Euthanasia," in *Encyclopedia of Catholic Social Thought, Social Science, and Social Policy*. Vol. 1. Edited by Michael L Coulter (Lanham: Scarecrow Press, 2007), 377.

acts, which are understood to be free exercises of human intellect and volition.[25] In this tradition, in order to determine the rightness or wrongness of an act (i.e., its moral "species"), one must first answer the question, what *act* is being done? This process, called specification, involves determining the "moral object" of the act in question. The "object" is "the proximate end of a deliberate decision which determines the act of willing on the part of the acting person." Such an end must be distinguished from the agent's subjective intention or motivation.[26] The "moral object" names the objective, or intrinsic end of an action—the "end" determined not by the subject but by the very nature of the act.[27] Roman Catholic moral theology holds certain acts to be intrinsically and inescapably evil by virtue of their "moral object."[28] Following the Pauline principle that a good end may not be pursued by an evil means (cf. Romans 3:8), the Magisterium holds that an act whose object is wrong or evil cannot be made right or good by virtue of a benevolent motivation.[29] Acts of euthanasia, suicide, physician-assisted suicide, and withdrawal of AN&H, according to the Magisterium, are all considered "intrinsically evil" because they are intrinsically ordered toward bringing about a person's death. They, therefore, offend against "the incomparable and inviolable worth of every human life."[30]

(2) While the Magisterium strictly forbids acts that aim directly at death, it does allow for—and even endorses—the use of medications to relieve suffering and pain. It even allows for instances of "terminal sedation," which involve the administration of narcotic drugs that relieve pain and suffering, while also reducing consciousness and hastening death.[31] Here the tradition relies upon the rule of double effect, which states that a person may morally act in a way that brings about an evil effect (in this case, death), so long as (a) that person does not directly intend the evil effect, (b) the person intends and brings about a good effect that is proportional to the evil effect, (c) the act is not

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[25] This focus on the act is, in part, a reflection of the neoscholastic methodology that lies behind the Magisterial teachings. As one commentator notes, the neoscholastic "manualist" tradition was "rooted, with some notable exceptions, not in the virtues or Sacred Scripture… but in the categories of law and moral obligation, which, in turn, contributed to legalism, moral minimalism, [and] a separation of moral theology from spirituality" (Mark S. Latkovic, "Moral Theology: A Survey," 716).

[26] This is not to suggest that motive is irrelevant for morality. In addition to the "moral object," Roman Catholic moral theology considers the agent's motivation and the circumstances (including the consequences) of the act. An act that is morally neutral in its object, but is performed with an evil intention is considered sinful, just as an act that is intrinsically evil in its moral object cannot be made legitimate by virtue of being performed with good intentions. See *Catechism of the Catholic Church*, 3.1.1.4.

[27] So, for example, adultery is defined by its object of "having intercourse with someone who is not one's spouse or with the spouse of another."

[28] See Pope John Paul II, *Veritatis Splendor*, chapter 4, part 2. See also William E. May, *An Introduction to Moral Theology*, Second Edition (Huntington, Our Sunday Visitor, Inc., 2003), 176 ff. Cf., Thomas Aquinas, *Summa theologiae*, 1-2, 18, 6.

[29] See Gilbert Meilaender, "Euthanasia & Christian Vision," *Thought* 57 (1982): 465-475.

[30] John Paul II, *Evangelium Vitae*.

[31] "The use of palliative care, including painkillers and sedatives, even if such use may shorten life, is morally licit" (John Paul II, *Evangelium Vitae*, 65).

"intrinsically evil," and (d) the evil effect is not itself the means by which the good effect is secured (i.e. the Pauline principle). The case of "terminal sedation" simultaneously illustrates the usefulness of double-effect reasoning and its limitations. Those who care for patients at the end of life know first-hand the relief that such drugs may bring in the final hours of life. Many, however, believe deeply in the importance of the Hippocratic maxim, "Do no harm," and its expression (in the modern Oath) in the refusal to administer deadly "poisons" to any person—presumably even for humanitarian purposes. For such people, the principle of double-effect allows them to affirm both truths at once. Many will admit, however, that given the close proximity between administering such palliative measures and the advent of death it is not always quite so clear that death is not, in fact, "intended." While this has caused many to question and even reject the principle of double-effect,[32] the Magisterium, nevertheless, uses such logic to affirm the legitimacy of terminal sedation—though, notably, it does caution that terminal sedation removes the patient from the dying role, and therefore should be avoided, if possible, so that she may prepare "herself with full consciousness for meeting Christ."[33]

(3) Finally, the Magisterium employs a distinction between "ordinary" (or "proportionate") medical care, on the one hand, and "extraordinary" (or "disproportionate") medical care, on the other.[34] According to the USCCB, "proportionate means [of preserving life] are those that in the judgment of the patient offer a reasonable hope of benefit and do not entail an excessive burden, or impose excessive expense on the family or community."[35] If such means exist, according to the Magisterium, they are considered obligatory. "Extraordinary" or "disproportionate" means, however, are never required of patients and physicians in the pursuit of health or life. Risky or experimental treatments may be permissible, but they are not required. According to the CDF, when death is imminent, it is not a rejection of life to reject treatments that "would only secure a precarious and

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[32] See, e.g. Beauchamp and Childress, *Principles of Biomedical Ethics* 7th ed. Oxford: Oxford University Press, 2013.

[33] Sacred Congregation on the Doctrine of the Faith, *Declaration on Euthanasia*.

[34] For several reasons the language of proportionate/disproportionate is now considered preferable to ordinary/extraordinary. The latter distinction has a long and established history in Roman Catholic moral theology, and, by extension, in medical ethics. It was originally employed in order to determine when a patient's refusal of care (e.g., pre-anesthetic era surgery) constituted suicide. In the context of modern medicine, however, some consider it "unacceptably vague and morally misleading" (Beauchamp and Childress, *Principles of Biomedical Ethics*, 162). "Ordinary" treatments are sometimes considered to be those that are customary or routine; at other times, however, "ordinary" names those that are simple, or natural, or noninvasive, or inexpensive. The confusions may abound. For example, what are we to think of a treatment that is relatively new and unestablished, but it highly likely to be effective and to minimize negative side effects? Is such a treatment "ordinary" or not? Or, alternatively, what ought we to think of a treatment that is commonly employed, but is deemed (based on new information) to involve additional and unnecessary suffering (as, some argue, is the case with intubation of patients with end-stage advanced dementia)? The language of proportionality, unlike each of the alternatives listed, incorporates the morally salient element of relative benefits and burdens to the patient.

[35] U.S. Conference of Catholic Bishops, *Ethical and Religious Directives for Catholic Health Care Services*, 31.

burdensome prolongation of life, so long as the normal care due to the sick person in similar cases is not interrupted."[36] As we will see when we turn to Richard McCormick, such terms as "burdensome prolongation of life" and "normal care" are open to considerably wide interpretation.

§3. New Natural Law Theory

§3.1. Background Considerations

The roots of natural law reasoning go at least as far back as the Roman Stoic philosopher Cicero (106-43 bce), who called it *non scripta sed nata lex*, "a law not written but born within us."[37] It is hard to overstate Cicero's influence, especially his conception of natural law, on imperial Roman jurisprudence, or, likewise, of this tradition on certain Church Fathers.[38] Despite its non-Christian provenance, the natural law tradition has been highly influential in Christian theology and ethics, especially in the works of Augustine of Hippo, Isidore of Seville, Gratian, and, most importantly, Thomas Aquinas. Though Thomas was not the first or the last to write about natural law, his is widely considered to be the definitive and seminal treatment. Those writing after Thomas, including modern Catholic moral theologians, may disagree with him but they cannot fail to engage him. A full account of Thomas's understanding of the natural law obviously lies beyond the purview of this chapter,[39] but it will be useful briefly to lay out his basic natural law framework.[40]

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[36] Sacred Congregation on the Doctrine of the Faith, *Declaration on Euthanasia*.

[37] Cicero offers this description in justification of killing in self-defense: "What is the meaning of our retinues, what of our swords? Surely it would never be permitted to us to have them if we might never use them. This, therefore, is a law, O judges, not written, but born with us,—which we have not learnt or received by tradition, or read, but which we have taken and sucked in and imbibed from nature herself; a law which we were not taught but to which we were made,—which we were not trained in, but which is ingrained in us,—namely, that if our life be in danger from plots, or from open violence, or from the weapons of robbers or enemies, every means of securing our safety is honourable." See Marcus Tullius Cicero, *Pro Milone*. 10, in *The Orations of Marcus Tullius Cicero,* trans. C.D. Yonge (London: G. Bell and Sons, 1891). Vol. 3. Accessed online 02/18/2016.
http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.02.0020%3Atext%3DMil.%3Asection%3D10.

[38] For Cicero's influence on St. Augustine, e.g., see Augustine Curley O.S.B, "Cicero, Marcus Tullius," in *Augustine Through the Ages: an Encyclopedia.* Edited by Allan Fitzgerald and John C Cavadini, 190-193 (Grand Rapids: William B. Eerdmans Pub., 1999). Cf., Robert Dodaro, *Christ and the Just Society In the Thought of Augustine* (Cambridge: Cambridge University Press, 2004).

[39] There is no shortage of competent scholarly texts which perform such a task. One helpful introduction that both explicates Thomas's position and engages with contemporary philosophical problems is John Goyette, Mark Latkovic, and Richard S Myers (eds.), *St. Thomas Aquinas and the Natural Law Tradition: Contemporary Perspectives* (Washington, D.C.: Catholic University of America Press, 2004).

[40] See Thomas Aquinas, *Treatise On Law: The Complete Text,* ed. Alfred J Freddoso (South Bend.: St. Augustine's Press, 2009); and D.Q. McInerney, "Natural Law," in *Encyclopedia of Catholic Social Thought, Social Science, and Social Policy*, 744-746.

For Thomas, the entire universe and all of history is governed by the eternal law of God (*lex aeterna Dei*), God's providential and wise ordering of Creation (*ST* II-I.91.i). This eternal law is expressed variously in the physical laws which govern the material universe, the divine revelation, and in the natural law, which is defined by Thomas as "the rational creature's participation in the eternal law" (*ST* II-I.91.ii). Though human beings, possessing freedom of will, do not always act according to it, the principles of natural law are innately available to every human intellect. Just as there are "first principles" of speculative reason (e.g., the law of non-contradiction), so are there self-evident "first principles" of practical reason. The "first of the first principles" is that good should be done and evil should be avoided (*ST* II.I.94.2). Of course, this does not offer much practical moral guidance. Thomas offers some, but not much, material content by offering a hierarchy of three additional "first principles." Each of these reflects something specific about human nature, about what types of beings we are. Most basically, by virtue of what we share with all beings (what Thomas calls "substances"), the natural law commands self-preservation, which applies specifically to life and bodily integrity. This rules out any action that directly seeks self-destruction and underlies a basic right of self-defense. Secondly, by virtue of what we share with all living animals, the natural law informs us of a duty of species propagation and the rearing of offspring, including, apparently, duties of educating the young. Finally, and most expansively, the natural law informs us of what is required of us as rational beings made in the image of God. This includes the duty to know and love God and duties of human social life, including seeking the common good.

Two brief observations can be made about Thomas's account of natural law. First, clearly the precepts of natural law remain at a sufficiently vague level so as to require the use of wisdom and practical reason (and sometimes even divine law and revelation) to specify what is required of human agents in concrete situations. For this reason, Heinrich Rommen called the natural law "a skeleton law"—it provides only the most basic structural principles for moral action that must be filled out from other sources.[41] The second point regards the relationship between the three levels of natural law. The first level is the most basic, and, as such, is presupposed by the other two levels (i.e., one cannot raise children if one does not stay alive). Likewise, the second level is more basic than the third (i.e., there is no society if there is no childrearing). As is clear with the martyrs, however, as with soldiers and police officers, the more basic goods, like life, may be legitimately risked for the sake of

[41] See Heinrich Rommen, *The Natural Law: A Study in Leal and Social History and Philosophy* (St. Louis: B. Herder, 1947). Cited in McInerny, "Natural Law," 746.

the less basic but higher goods, like obedience to God and the pursuit of the common good. Each of these points will be relevant for our consideration of "new natural law" (NNL) below.

§3.2. The New Natural Law Tradition

Perhaps more than any other strand of Roman Catholic moral theology, New Natural Law (NNL) attempts to articulate standards of action that could guide our understanding of appropriate agency-in-dying—even if it does so in a manner that focuses disproportionately on the issues of physician-assisted suicide and euthanasia. "New natural law" names a movement within Roman Catholic moral theology which is dedicated both to the renewal of the natural law tradition of Thomas Aquinas and its continued development. The foundations of what has become known as New Natural Law theory, or sometimes New Classical Natural Law theory, were laid by Germain Grisez in the 1960s,[42] and developed further by Grisez, John Finnis, Joseph Boyle, and others since the 1980s.[43] A story can be told that traces the rise of the NNL to the catalyzing impact of the Second Vatican Counsel (1962-1965). At least since the late 19th century, the Magisterium prominently emphasized the role of natural law and human reason in moral discernment,[44] while reserving the Church's role as natural law's prime interpreter. The Church's approval of natural law was grounded primarily in a theological affirmation of the goodness of creation, which is not overcome, but rather restored by grace.[45] At Vatican II, however, it was suggested that natural law had lost its theological grounding, and had more or less

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[42] See Germain Grisez, "The First Principle of Practical Reason: A Commentary on the *Summa Theologiae,* 1-2 Question 94, Article 2," in *Natural Law Forum* 10 (1965): 168-201.

[43] See John Finnis, *Natural Law and Natural Rights* (Cambridge: The Clarendon Press, 1980); Germain Grisez, *The Way of the Lord Jesus, Volume 1*: *Christian Moral Principles* (Chicago: Franciscan Herald Press, 1983); and German Grisez, Joseph Boyle, and John Finnis, "Practical Principles, Moral Truth, and Ultimate Ends," in *American Journal of Jurisprudence* 32 (1987): 99-151. Other influential advocates of NNL theory include Robert George, Patrick Lee, Christopher Tollefson, and William E. May. My account of NNL is heavily indebted to Christopher Tollefson, "The New Natural Law Theory," in *Lyceum* 10:1 (2008): 1-17; Anthony Fisher OP, "Bioethics After Finnis," in *Reason, Morality, and Law: The Philosophy of John Finnis*, ed. John Keown and Robert P. George, 269-289 (Oxford: Oxford University Press, 2013); and John Keown, "A New Father for the Law and Ethics of Medicine," in *Reason, Morality, and Law*, 290-307.

[44] In the 1879 encyclical *Aeterni patris*, for example, Pope Leo XIII vigorously called for a restoration of Thomistic philosophy among Roman Catholic moral theologians.

[45] As mentioned above, natural law reasoning and the teaching of the Magisterium should not be considered in opposition to one another—but neither may they be wholly identified with one another. In many places the Magisterium affirms and explicates norms of natural law. According to the *Catechism of the Catholic Church*, the relationship between the Magisterium and the natural law is described in the following manner: "The authority of the Magisterium extends also to the specific precepts of the natural law, because their observance, demanded by the Creator, is necessary for salvation. In recalling the prescriptions of the natural law, the Magisterium of the Church exercises an essential part of its prophetic office of proclaiming to men what they truly are and reminding them of what they should be before God" (CCC, 3.1.3.3.1).

divorced the doctrines of faith from the realities of daily life.[46] The Council document *Optatam Totius* (#16) prescribed a renewal in moral theology, calling it to "be more thoroughly nourished by scriptural teaching" and include "livelier contact with the mystery of Christ and the history of salvation." Moral theology, it said, should also emphasize the role of church teaching for the *lived* reality of Christian faith in the life of the individual Christian. Among the results of this call for renewal were a renewed interest in theological anthropology (including the blossoming of Thomistic personalism) and the rise of an interpretation of moral theory that came to be known at "proportionalism" (each of which will be addressed at greater length below). In the wake of *Humanae Vitae*'s strict condemnation of contraception, proportionalism became a primary means of dissenting from Church teaching, and was seen by some as a form of consequentialist, ends-justify-the-means moral reasoning. Proportionalists were especially wary of formulating absolute moral norms against certain acts (e.g., contraception or suicide), when those acts were defined in ways that ignored morally relevant, situation-specific contextual factors. NNL sought to oppose proportionalism and to reestablish absolute moral prohibitions on the foundation of nature and human reason.

In a helpful article, Christopher Tollefson describes three "core theses" of NNL. The first holds that all action is fundamentally ordered by practical reason toward one or more "basic goods." These basic goods are universally and self-evidently desirable; knowledge about them is innate and does not require any theoretical (including "revealed" or "theological") knowledge about human nature. Together they make up the core elements of human flourishing. These basic goods include "life and health; knowledge and aesthetic experience; skilled work and play; friendship; marriage; harmony with God, and harmony among a person's judgments, choices, feelings and behavior."[47] Without reference to these basic goods, it would be difficult (perhaps impossible) to give a rational account of any human action, for all action is performed *sub specie boni*, "under the guise of the good."[48] The second thesis asserts that the basic goods are irreducible and incommensurable, which is to say that each basic good is *uniquely* desirable. This means that the attainment of one basic good cannot "outweigh" the deprivation of another, in such a way so as to ever justify acting directly *against* a basic good. Finally, as an entailment of the first two theses, NNL holds that the recognition of, and orientation of human action toward, basic goods are pre-moral matters. They are simply the

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[46] See Charles Curran, *American Catholic Social Ethics; Twentieth-Century Approaches* (Notre Dame: University of Notre Dame Press, 1982), 16-20.
[47] Tollefson, "The New Natural Law Theory," 2.
[48] See Joseph Raz, "On the Guise of the Good," in *Desire, Practical Reason, and the Good*, ed. Sergio Tennenbaum, 111-137 (Oxford: Oxford University Press, 2010).

precondition for rational human action. According to Tollefson, "morality enters in only at the level of deliberation and choice as regards *which* goods, or which instantiations of goods, to pursue when faced with desirable options for choice."[49] In order to judge this an external standard is needed—something like what Grisez calls "integral communal fulfillment"[50] or "the integral human fulfillment of persons in community."[51]

§3.3. The Basic Good of Life

No external standard is needed, however, to judge as evil or immoral actions that directly and intentionally militate against one or more basic good: to do so is never justified. This is, perhaps, doubly true when the basic good in question is life, which is the ground and presupposition of all other goods.[52] Life—and health, which may be considered either as a constitutive aspect of life or as a separate basic good—is an intrinsic good, always worthy of being promoted and protected. This means that every instance of suicide and/or euthanasia is "prohibited by the principle that tells us not to destroy the basic human good of life."[53] New Natural Lawyers consistently reject the position that life is an instrumental good, the value of which lies primarily in its allowing for the realization of other goods or in its subjective valuation by individual persons. According to an instrumentalist view, it is possible to imagine a situation (indeed, not all that difficult to do so) in which life has ceased to be genuinely good for a person. When life no longer serves the end of one or more "higher" good—e.g, aesthetic or creative pursuits, intellectual development, one's vocation or "life's work," physical pleasure, or relational fulfillment—it is "no longer worth living."[54] New Natural Lawyers argue that such a view is mistaken in two ways: first, New Natural Lawyers point to an implicit dualism in the view that one's life can cease to be a good *for that person*. This requires a distinction between one's inner life, or "true self," and one's organic, bodily life which is merely used, owned, and possessed. Against

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[49] Tollefson, "The New Natural Law Theory," 3.
[50] Germain Grisez, "The True Ultimate End of Human Beings: The Kingdom, Not God Alone," *Theological Studies* 69 (2008): 57.
[51] Grisez et. al., "Practical Principles, Moral Truth, and Ultimate Ends," 114.
[52] Though the basic goods are said to be incommensurable and irreducible, life is understood to have a *natural* or *logical* priority over the other goods, insofar as life and health are prerequisite for the pursuit of the other goods and insofar as pursuing the other goods also tends to promote the good of life and health. See Fisher, "Bioethics After Finnis," 275-276.
[53] Alfonso Gómez-Lobo with John Keown, *Bioethics and the Human Goods: An Introduction to Natural Law Bioethics* (Georgetown: Georgetown University Press, 2015), 71. According to Gómez-Lobo suicide cannot be justified through an appeal to autonomy, for its it "autonomy… turned against itself. Autonomy is exercised to end autonomy. It is a violation of autonomy to destroy autonomy, even autonomously."
[54] See, e.g., *Airedale NHS Trust v. Anthony Bland by his guardian ad litem The Official Solicitor* (1993) AC 978.

this dualism, NNL holds that it is philosophically incoherent to distinguish and separate "person" and "life" in this way. Second, NNL claims that the instrumentalist view misses the fact that life is a good that is desired for its own sake. One does not typically need to offer an extrinsic justification for the pursuit of life and avoidance of death. If that were the case, the natural right to life of vulnerable elderly or severely disabled persons (including patients in a permanent vegetative state) would be on precarious footing. According to Anthony Fisher OP, these people "*are* still living human beings: their life is their very reality as persons and as such remains a good, even if not consciously enjoyed by them and not attractive to others; their death is a loss, even if welcomed by some."[55]

If life is an intrinsic, basic good, we might ask whether we have an obligation always to protect it and to secure its continuation. New Natural Lawyers distinguish between two types of moral obligations: orientation norms (i.e., positive obligations like "preserve and promote life and health," "help those in need," and "do unto others as you would have them do unto you") and limit norms (i.e., negative obligations like "never directly harm the innocent" and "do not lie"). Now, if basic goods are incommensurable and human agents are finite, the pursuit of one or more basic good will often enough entail the neglect of another, and will sometimes even entail its diminishment. The pursuit of one good, we might say, involved an "opportunity cost" against other possible goods. For this reason, orientation norms cannot be considered absolute, for it would be impossible, for example, to act beneficently toward every person at all times.[56] As an orientation norm, the preservation and extension of life may, at times, come into conflict with other goods that one might reasonably desire to pursue. New Natural Lawyers, therefore, generally recognize that there are situations in which it will be more reasonable to pursue those other goods even at the expense of life and health.[57]

And yet, the position of NNL on this point is not always so clear-cut. For some natural lawyers hold that an action is immoral, not only insofar as it deliberately and positively damages a basic good, but also insofar as it deliberately *foregoes* the choice of available basic goods.[58] This is only coherent

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[55] Fisher, "Bioethics After Finnis," 274. So Gómez-Lobo claims "Life itself, even surrounded by evils, remains good." See *Bioethics and the Human Goods,* 70.

[56] As Fisher notes, "the duty to promote one's own or other people's health, as with all other orientation precepts is not absolute." See "Bioethics After Finnis," 280.

[57] Drawing on the work of John Finnis, Fisher notes four situations in which medical treatment may be reasonably foregone: (a) when a proposed treatment does not actually promote health or life (e.g., abortion or sterilization); (b) when the treatment promotes life and health through immoral means (e.g., embryonic stem cell research); (c) when a patient judges a treatment option to be disproportionately burdensome in relation to expected benefits; and (d) when the patient judges a treatment option to be inconsistent with her or her responsibilities (e.g., the pursuit of one's life goal or the preservation of one's ability to communicate with loved ones). See "Bioethics After Finnis," 280. Technically, only option (d) involves such 'opportunity costs' named.

[58] This logic lies, in part, behind the NNL rejection of non-marital coitus, which *appears* to pursue the good of sexual union, but fails to do so because it is not, in fact, ordered toward the basic good of marriage. It is a "one-flesh" act, that deliberately

insofar as it is the subjective intention of the agent, rather than the objective result of the action, that accounts for certain actions' moral quality. The first-person quality of intention means that one cannot judge an act without stepping into the actor's shoes and considering the action from his or her perspective.

This strong focus on intention, at times, leads New Natural Lawyers to paradoxical and counterintuitive conclusions. For example, Grisez, Finnis, and Boyle believe that craniotomy (i.e., crushing a fetus's head in order to remove the fetus from the mother's womb), typically disavowed by Catholic moral theology, may not always entail an intention to kill the child, but rather an intention "to change the dimensions of the child's skull to facilitate removal."[59] It is not entirely clear why such reasoning does not equally apply, for example, to the ingestion of life-ending barbiturates with the intention, not of hastening death, but rather with the intention of preventing prolonged and inevitable harm and suffering. I bring up this case not to argue in favor of PAS, but rather to note an inescapable ambiguity with regard to the notion of intention. The ambiguity involves the question of how widely one draws the circle of factors relevant for defining what is intended in an act (or, importantly, an omission). What is most directly intended in craniotomy, according to traditional Roman Catholic teaching, is the "primitive act"[60] of crushing the child's skull, which is directly and inescapably destructive of the child's life, even if this is viewed as a means to another good end (e.g., saving the life of the mother).[61] As we shall see, the attempt is often made to justify craniotomy by widening the scope of intention to include the secondary intentions in the very definition of the "moral object" of the act. This is the route taken by "proportionalists" (discussed below). NNL, however, arising as it has (at least in part) as a counter-reaction to proportionalist moral theory, takes the opposite tack. Restricting the scope of intention to the "change of dimensions" of the skull supposedly allows for the death to become a secondary, unintended consequence, allowable under the rule of double effect. Such a restriction goes beyond what can reasonably be understood by intention; if it is not itself an example of sophistry, it surely invites the sophist to the table.[62]

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fails to unite its agents as "one flesh." See Tollefson, "The New Natural Law Theory," 7. Cf., Germain Gabriel Grisez, *The Way of the Lord Jesus Vol 2: Living a Christian Life* (Chicago: Franciscan Herald Press, 1983), 474.

[59] See "'Direct' and 'Indirect:' A Reply to Critics of Our Action Theory," *The Thomist*, 65 (2001): 1-44.

[60] "Primitive," not in the sense of "animal-like" or "crude," but rather in the sense of "simple" and "immediate." Cf., Frederick Stoutland, "Interpreting Davidson on Intentional Action," in *Dialogues with Davidson: Acting, Interpreting, Understanding*. Edited by Jeff Malpas, 297-324 (Cambridge: MIT Press, 2011).

[61] For an analysis and trenchant critique of Grisez's action theory, and especially his appeal to "primitive acts" as the basic unit of moral analysis, see Jean Porter, "'Direct' and 'Indirect' in Grisez's Moral Theory," *Theological Studies* 57 (1996): 611-632, especially 627 ff.

[62] For example, Gómez-Lobo distinguishes between the example of "the pilot who stays at the controls of his plane to steer it away from a densely-populated area" and the "Buddhist monk who sets himself on fire to protest against oppressive

Clearly, New Natural Lawyers like Grisez are trying to defend the coherence of an absolute moral prohibition against directly and intentionally causing death—whether one's own or someone else's. At times, it seems as if an overemphasis on this philosophical point perhaps leads them to unnecessary conclusions. Consider the following example, for instance. Natural law arguments, as a matter of principle, do not typically appeal directly to theological dogmas or matters of revelation. Nevertheless, Christopher Tollefson argues from natural-law that God can in no way *intend* death. The argument is fairly simple. Begin with a presupposition that "God's will, which is identical with His being, is a will only of good,"[63] especially the good of the human being, whose nature is ordered toward friendship with God. Define death as the "privation of a good specific to human nature."[64] Apply the maxim that "to intentionally seek [such a] privation in oneself or another is always wrong."[65] Conclude that God could never "intend the privation of the good of life for a human being, or the privation of any other basic good, for that matter."[66] How Tollefson attempts to square this conclusion with counterexamples from Scripture highlights the centrality of intention. Take, for example, the possible response that God must intend death in order to impose the penalty of death upon sinners. Tollefson claims that, because God cannot directly intend death, even as a means to the good end of upholding the just order of the universe, there must be an alternative way of describing what is happening. God must intend "in a single integrated act" the imprinting of justice on the sinner in a way that only indirectly includes death.[67] If this strikes the reader as incoherent, we are assured that the ability to intend in this way is a special divine "power" unavailable to human-beings, unless by virtue of a miracle.[68] From this, Tollefson concludes, "we should not think that God has delegated authority to human persons to intentionally kill: if God cannot intentionally kill, He cannot delegate the authority to do so [to] (sic) humans."[69] In the end, it is difficult to avoid the impression that this ethical conclusion, applied specifically to the issues of capital punishment and *jus ad bellum*, is the philosophical cart that is driving the theological horse. As Tollefson states in his concluding paragraph, his argument

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policies." The latter is suicide and the former is not. I do not contest this fact. But the craniotomy example leads me to wonder what is to prevent the sophist from answering that the Buddhist monk, to the contrary, was simply intending to "ignite his clothes, and perhaps, his epidermis in the hopes of bringing attention to a cause," with his inevitable death being outside the scope of his intention? Cf., Gómez-Lobo, *Bioethics and the Human Goods*, 68.

[63] Christopher Tollefson, "Does God Intend Death?" *Diametros* 38 (2013):191-200. Cf., Aquinas, *ST* 1.19.1, 9.

[64] Tollefson, "Does God Intend Death?," 194.

[65] Tollefson, "Does God Intend Death?," 194.

[66] Tollefson, "Does God Intend Death?," 195.

[67] Tollefson, "Does God Intend Death?," 195.

[68] Tollefson, "Does God Intend Death?," 196.

[69] Tollefson, "Does God Intend Death?," 198.

"tries to meet" the "challenge" of theological understandings of divine intention that undermine "the doctrine of moral absolutes."[70]

This analysis of New Natural Law demonstrates how natural lawyers admit of considerably less ambiguity than even the Magisterium on questions of agency-in-dying. Chief among the goals of NNL is a philosophical defense of the coherence of defining acts as intrinsically evil. This is achieved largely through emphasizing the importance of intention and describing acts in sometimes incredibly narrow, physicalist terms. In NNL, moral clarity is gained by narrowing the scope of morally relevant features of an act. With respect to death and dying, any act that can be said to directly and intentionally cause the diminishment of a basic good (i.e., life), must *ergo* be an intrinsically evil act, and, therefore, is morally prohibited. For all the fine-grained and careful distinctions made by natural lawyers, their basic stance regarding moral agency at the end of life basically accords with Battin's characterization. The moral agent is envisioned as passive and hands-off—not, we might note, even necessarily "accepting" or "receptive," for these latter terms carry a relational component that is not particularly emphasized by NNL. Due to the prevalence of NNL in public policy, law, and public discourse (perhaps motivated by an attempt to articulate Christian norms in terms that accord with Rawlsian public reasonableness), it is no surprise that it is taken to be the standard Christian account by Battin. I would contend, however, that even within the mainstream of Roman Catholic moral theology there are other ways of envisioning moral agency in dying that deserve a broader audience. These may be especially useful for Christians for they shift emphasis away from act-analysis and toward more basic moral notions like comportment, spirituality, and moral imagination that can be developed and pursued over time and throughout one's life.

§4. Richard McCormick's Revisionist Natural Law Approach

For all their differences, neoscholasticism and NNL share one major commonality. Each, in its own way, is committed to what Charles Curran calls "classicism," an approach to ethics which emphasizes "the eternal, the immutable, and the unchanging and strives for certain knowledge of things in their causes."[71] This approach came under considerable scrutiny at Vatican II. What emerged from Vatican

[70] Tollefson, "Does God Intend Death?," 199.
[71] Curran, *American Catholic Social Ethics*, 19. For more on "classicism," see Bernard Lonergan, "Pluralism, Classicism, and Relativism," in *The Lonergan Reader*, ed. Mark D. Morelli and Elizabeth A. Morelli, 436 ff (Toronto: University of Toronto Press, 1997).

II was a more inductive, historically-minded approach to ethics, along with a recognition of role of human subjectivity in the formulation and description of moral norms.[72]

A good example of a post-Vatican II approach to moral theology can be found in the work of Richard A. McCormick, S.J., long-time professor at Georgetown University and Notre Dame University, and fellow at The Hastings Center. McCormick consistently tackled emerging issues in bioethics in a way that was deeply indebted to the tradition of Roman Catholic moral theology, but which also reshaped that tradition as he employed it.[73] A brief overview of a selection of McCormick's writings on end-of-life issues reveals a pastorally sensitive approach, which remains theologically informed while eschewing arid theological dogmatism,[74] which attends to contemporary social and political dynamics, and which is historically responsible and philosophically astute. McCormick's is what might be called a *personalist* and *proportionalist* natural-law approach to moral theology. An understanding of McCormick's perspective will reveal deep flaws in a simple active/passive binary understanding of agency-in-dying.

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[72] Consider, for example, the apostolic letter of Pope Paul VI, *Octogesima adveniens* (1971). In it, Paul VI describes the effects of globalization on the pursuit of social justice, and notably acknowledges that "in the face of such widely varying situations it is difficult for us to utter a unified message and to put forward a solution which has universal validity. Such is not our ambition, nor is it our mission. It is up to the Christian communities to analyze with objectivity the situation which is proper to their own country, to shed on it the light of the Gospel's unalterable words and to draw principles of reflection, norms of judgment, and directives for action from the social teaching of the Church" (4). Cf., Christine Gudorf, "Commentary on *Octogesima adveniens (On the Eightieth Anniversary of* Rerum novarum)," in *Modern Catholic Social Teaching: Commentaries and Interpretations*, ed. Kenneth R Himes, O.F.M., 315-332 (Washington D.C.: Georgetown University Press, 2011); also, Mary Elsbernd, "Whatever Happened to *Octogesima adveniens*?" *Theological Studies* 56 (1995): 36-60.

[73] While fairly described as "revisionist," in that he attempted to revise aspects of church teaching in light of the current cultural moment and a post-Vatican II self-understanding of the Church's task, McCormick was no theological revolutionary. Rather, his stance vis-à-vis the tradition, was perhaps best described in terms of what Micheal Walzer has called the "connected critic" (see, Michael Walzer, *Interpretation and Social Criticism* (Cambridge: Harvard University Press, 1987)). Averse to polarizing, binary categories such as left/right, contemporary/traditional, or open/closed, McCormick describes his own theological tendencies as lying in "the extreme middle." See Richard A. McCormick, *Health and Medicine in the Catholic Tradition: Tradition in Transition* (New York: Crossroad Publishing Company, 1984), 3.

[74] Lisa Sowle Cahill notes at least four religious convictions that, while remaining in the background, are consistent in McCormick's writings on end-of-life issues. These include "a respect for life and reticence toward its destruction; the relativization of the value of human life in light of interpersonal and spiritual values like care; a certain acceptance of some suffering as part of the human condition—to be avoided when reasonably possible, but not at all costs; and a sensitivity to the role of multiple values in decision making, some of which transcend mere logic." See Lisa Sowle Cahill, "Richard A. McCormick, S.J.,'s 'To Save or Let Die: The Dilemma of Modern Medicine,'" in *The Story of Bioethics: From Seminal Works to Contemporary Explorations*, ed. Jennifer K. Walter and Eran P. Klein (Washington: D.C.: Georgetown University Press, 2003), 133.

§4.1. Assessing Quality-of-Life

One of McCormick's earliest contributions concerning end-of-life ethics was an article, simultaneously published in *JAMA* and the Catholic periodical *America*, entitled "To Save or Let Die: The Dilemma of Modern Medicine."[75] In the article McCormick describes a medical case involving a premature newborn with multiple complications, including major deformities of ear, eye, hand, vertebrae, and esophagus. The child quickly contracted pneumonia, and because of poor circulation, almost certainly had severe brain damage. The parents declined consent for physicians to perform reparative surgery on the child's tracheal esophageal fistula, sparking an appeal by the physicians to the Maine Superior Court. The judge ruled in favor of the physicians and against the parents, citing the child's inalienable right to life. "At the moment of live birth there does exist a human being entitled to the fullest protection of the law. The most basic right enjoyed by every human being is the right to life itself."[76] The conclusion of the court, McCormick notes, while true in the strictest sense, nevertheless failed to address the deeper issue of whether a considerably dubious prognosis might call into question the conclusion that a "right to life" necessarily entails extending that life. For example, it seems unreasonable to assume that the life of an anencephalic newborn must in every case be indefinitely prolonged by mechanical and artificial means. Of course, there is a very real danger on the other side as well. To illustrate this danger, McCormick draws attention to the (in)famous "Johns Hopkins Case," which involved an infant with Down Syndrome and duodenal atresia (i.e., intestinal obstruction). In this case, the parents refused consent for a fairly standard procedure to remedy the obstruction, with the result of the child's death by starvation after fifteen days in the hospital. McCormick observes, "Nearly everyone who has commented on this case has disagreed with the decision."[77] Taking these cases together highlights the importance of the following series of questions: "which infants, if any, should be allowed to die? On what grounds or according to what criteria, as determined by whom?"[78] Is it possible to push past slogans (like "death with dignity" or "right to life") and articulate some substantial ethical standards for guiding the decision-making process in such cases?

As noted, historically the distinction between "ordinary" and "extraordinary means" guided deliberation about withholding and withdrawing life-prolonging medical treatment. According to the

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[75] Originally published in 1974, it was later included in a collection of essays. See Richard A. McCormick, S.J., "To Save or Let Die: The Dilemma of Modern Medicine," in *How Brave a New World? Dilemmas in Bioethics*, 339-351 (Garden City: Doubleday & Company, Inc., 1981).
[76] Cited in McCormick, "To Save or Let Die," 339.
[77] McCormick, "To Save or Let Die," 340.
[78] McCormick, "To Save or Let Die," 341.

AMA (at the time of McCormick's writing), "The cessation of the employment of extraordinary means to prolong the life of the body when there is irrefutable evidence that biological death is imminent is the decision of the patient and/or his immediate family." With the development of many life-saving and life-prolonging technologies, however, the issue of withholding and withdrawing possible treatments no longer hinges on being able to say that biological death is "imminent" for a patient. After all, "contemporary medicine," notes McCormick, "… can keep almost anyone alive."[79] The case of neonates with multiple life-threatening complications makes this dynamic especially acute. In such cases, "[t]he questions, 'Is this means too hazardous or difficult to use?' and 'Does this measure only prolong the patient's dying?' while still useful and valid, now often become, 'Granted that we can easily save the life, what kind of life are we saving?' This is a quality-of-life judgment. And we fear it."[80] McCormick rightly calls this a "position of awesome responsibility."[81]

§4.2. Personalism

Often, when McCormick appeals to the notion of quality-of-life judgments he cites an address by Pope Pius XII to a group of physicians in which the Pope describes the reasoning behind the ordinary/extraordinary distinction. According to the Pope, a treatment is considered extraordinary if it is "too burdensome for most men and would render the attainment of the higher, more important good too difficult. Life, death, all temporal activities are in fact subordinate to spiritual ends."[82] This statement confirms, for McCormick, that "the Judeo-Christian tradition" has always treated life as a basic and precious, but relative good.[83] Biological life is not simply an end-in-itself, but rather as "a

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[79] McCormick, "To Save or Let Die," 344-345.
[80] McCormick, "To Save or Let Die," 345.
[81] McCormick, "To Save or Let Die," 344. The suggestion that a "quality-of-life" judgment is not only inevitable, but also morally appropriate, has invited criticism from other Roman Catholic moral theologians. Some have suggested that the introduction of quality-of-life judgments is dangerous insofar as it may slide from a judgment regarding the relative benefit of certain treatments *for the patient* to the relative worth of *a person's life*—a shift in focus that threatens to undermine the dignity of the human person and to endanger vulnerable populations (See, e.g., Paul Ramsey, *Ethics at the Edges of Life: Medical and Legal Intersections* (New Haven: Yale University Press, 1978), 172. Ramsey, though not himself a Roman Catholic moral theologian, represents a broader concern voiced by others). Others (e.g., the New Natural Lawyers) suggest that life, as a basic good, always has value for a person, though it need not always be indefinitely prolonged. While McCormick is aware of such arguments, he nevertheless argues that quality-of-life judgments are important and necessary (See Richard A McCormick, S.J., "The Quality of Life, the Sanctity of Life," in *How Brave a New World?* 383-401). Indeed, McCormick suggests the classification of a proposed treatment as "ordinary" or "extraordinary" in fact often hinges on a previous judgment about the kind of life the patient might expect to enjoy as a result of the treatment's implementation.
[82] Pope Pius XII, *Acta Apostalicae Sedis*, 49 (1957), 1,031-32.
[83] In this way, it represents a *via media* between "medical vitalism (that preserves life at any cost) and medical pessimism (that kills when life seems frustrating, burdensome, 'useless')." Each of these, according to McCormick, is guilty of "idolatry of life," of viewing life as the absolute good and death as the absolute evil. See McCormick, "To Save or Let Die," 345.

good to be preserved precisely as the condition of other values."[84] McCormick identifies these "higher goods" as the love of God and of neighbor—"the meaning, substance, and consummation of life are found in human *relationships*, and … the qualities of justice, respect, concern, compassion, and support that surround them."[85] Where the "importance of relationships gets lost in the struggle for survival" we should suspect that something has gone wrong. "It is neither inhuman nor un-Christian to say that there comes a point where an individual's condition itself represents the negation of any truly human—that is, relational—potential."[86]

McCormick's emphasis on the value of relational potential for evaluating quality-of-life reflects his deep commitment to "personalism," a theological and philosophical movement whose central affirmation is the centrality of "free, creative, and acting persons engaged in an adventure of responsible liberty in which people unite with others to create a society in which the structures, customs, and institutions both shape and are shaped by the nature of the person."[87] McCormick

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Cf., Richard A. McCormick, "If I Had Ten Things to Share with Physicians," in *The Critical Calling: Reflections on Moral Dilemmas Since Vatican II*, 353-367 (Washington D.C.: Georgetown University Press, 1989).

[84] McCormick, "To Save or Let Die," 345.

[85] McCormick, "To Save or Let Die," 346.

[86] McCormick, "To Save or Let Die," 349. At this point, a few points could be made regarding McCormick's seeming equation of "humanity" and "relational potential." It first glance, it may seem as if McCormick is here making relational potentiality into a qualifying characteristic of human personhood—a position that would be troublesome, for example, to those influenced by disability theorists. McCormick, however, is not saying that a life that fails to demonstrate relationality falls below the threshold of human personhood (in a "letter to the editor" of *The Hastings Center Report* 5:2 (1975): 4), McCormick excoriates Joseph Fletcher for "annexing" an earlier reflection on human relationality for precisely this purpose), but rather, that this human person lacks the relational quality that would make this life meaningful *for him or her*.

Additionally, McCormick notes that relational potential can be limited by external factors like prejudice and discrimination: "Life's potentiality for other values is dependent on two factors: those external to the individual, and the very condition of the individual. The former we can and must change to maximize individual potential. That is what social justice is all about. The latter we sometimes cannot alter" (348).

Finally, McCormick acknowledges a number of important caveats regarding quality-of-life judgments that press in a *protectionist* direction. Among these are the following: (1) Relational potential exists along a spectrum, and the valuation of relational potential is a matter of clinical judgment. There are many grey areas between the clear cases of anencephaly (no) and Down syndrome (yes); (2) As a clinical judgment, we must be aware of the potential for mistakes, and therefore, when possible, err on the side of preserving life; (3) Allowing a child to die does mean that 'some lives are more valuable than others' or that this particular life is 'not worth living.' "This is not a question about the inherent value of the individual. It is a question about whether this worldly existence will offer such a valued individual any hope of sharing those values for which physical life is the fundamental condition"; (4) It is not inherently objectionable, and indeed appropriate, that these decisions are made by parents with physicians, (5) but they should be made with the child's welfare alone in mind.

[87] Thomas Rourke, "Personalism," in *Encyclopedia of Catholic Social Thought, Social Science, and Social Policy*. Vol. 2, 801-803. Personalism is a varied and diverse movement. In its Roman Catholic varieties, some central figures include Emmanuel Mounier (editor of the French journal *Esprit*), Jacques Maritain and Étienne Gilson (who promoted a version of Thomistic personalism in France), Dorothy Day (who popularized the notion in the United States), and Karol Wojtyla (later Pope John Paul II), whose work *Love and Responsibility* proposed the following "personalistic norm": "… in its negative aspect… that the person is the kind of good which does not admit of use and cannot be treated as an object of use and as such the means to an end. In its positive form the personalistic norm confirms this: the person is a good towards which the only proper and adequate attitude is love." John Paul II, *Love and Responsibility*. Rev. ed. (New York: Farrar, Straus, Giroux, 1981), 41. Cf., Karol Wojtyla, *The Acting Person*, trans. Andrzej Potocki, ed. Anna-Teresa Tymieniecka (Dordrecht, D. Reidel Publishing Company, 1979); also, Ronald Modras, "The Thomistic Personalism of Pope John Paul II," *Modern*

considered the Church's articulation of "integral personalism" to be a "conciliar achievement" of Vatican II, in full display in documents like *Gaudium et spes*.[88] Drawing on the "principle of totality,"[89] *Gaudium et spes* (#51) asserted that the "moral aspect of any [medical] procedure… must be determined by objective standards which are based on the nature of the person and the person's acts." McCormick observes that the official commentary indicates that the choice of this wording means that "human activity must be judged insofar as it refers to the human person integrally and adequately considered (*personam humanam integre et adequate considerandum*)." McCormick takes this to mean that all aspects or dimensions of human personhood—including personal subjectivity, responsible freedom, and relationality (which includes attention to the communities and institutions around the person)[90]— are relevant for evaluating a moral act.

The effect of McCormick's personalism is to widen the range of relevant factors necessary for morally evaluating acts that hasten death. In the case of "To Save or Let Die," the relevant factor can be called "quality-of-life," though in reality what McCormick has in view is more specific than what we generally understand by that term. McCormick is not interested in an evaluation of one's subjective experience along utilitarian lines, as if to calculate the expected marginal utility—the balance of pleasure over pain—over the course of one's remaining life. The presence of even a fairly diminished form of relational capacity would suffice, in McCormick's view, to justify measures to secure and protect an endangered life, even in the face of certain hardships. McCormick repeatedly emphasizes the inevitability of human suffering, and its potential to become meaningful.[91] With respect to the issue of withholding and withdrawing treatment, however, McCormick's "key insight" is that "the very purpose of life can be put at risk by serious illness and physical suffering even more than by death"

Schoolman 59 (1982): 117-127; and Cf. Judith A. Merkle, S.N.D.deN., "Personalism," in *The New Dictionary of Catholic Social Thought*, ed. Judith A. Dwyer, 737-738 (Collegeville: The Liturgical Press, 1994).

[88] Richard A. McCormick, "The Consistent Ethic of Life: Is There a Historical Soft Underbelly?" in *The Critical Calling*, 212.

[89] According to McCormick, this principle originally referred to the "moral legitimacy of removing or curtailing a function or an organ for the good of the whole person" (*Health and Medicine in the Catholic Tradition*, 15). Though the term was coined by Pope Pius XII in 1952, the principle itself was employed by Thomas Aquinas.

[90] Cahill notes how, in his views on end-of-life issues, McCormick increasingly drew attention to broader social and cultural dynamics. For example, McCormick argued that "demands for the right to control the time, place, and manner of one's own death require a corrective acceptance of dependency… [and emphasis on] the inevitability of human interdependence, so threatening to the Western view of the person as 'autonomous individual.'" This partly involves obligations to distribute resources fairly for the common good. See Cahill, "Richard A. McCormick's 'To Save or Let Die,'" 145.

[91] So, e.g., commenting on the USCCB guidelines for medical care, McCormick states, "…without glorifying suffering, Catholic Christianity has always viewed it within a larger perspective—that of the redemptive process. Just as Christ suffered and died for us to enter his glory, so we who are 'in the Lord,' who are inserted into the redemptive mystery, must expect that our growth 'to deeper life' will share the characteristics of God's engendering deed in Christ… From the Christian point of view then, grave illness must be seen as an intensifying conformity to Christ." See McCormick, *Health and Medicine in the Catholic Tradition*, 116-117, 118.

itself.[92] When the efforts to sustain life impede the attainment of the higher goods embodied in the love command (Mark 12:28-31; John 13:34), or do not stand a reasonable chance at enabling such goods, it may be perfectly acceptable to forgo them.

§4.3. Proportionalism

It is worth noting that McCormick cites an additional reason for emphasizing the centrality of the person ("integrally and adequately understood"), namely, in so doing, "it becomes clear that a moral assessment of our actions must consider the *whole action*—external act, intention, circumstances, consequences—for each of its aspects has an effect upon the person."[93] Thus, for McCormick, an acceptance of personalism leads intrinsically and naturally to a more inclusive analysis of human actions. This is important, for it led many to associate him with "proportionalism," a position that has been opposed by both the Magisterium and New Natural Lawyers.[94]

From the perspective of its critics, what is at stake in the debate about proportionalism is the legitimacy of "moral absolutes, that is, norms that specify certain acts as a sort that are always and everywhere not to be done."[95] So, in *Reconciliatio et paenitentia*, a precursor to the encyclical *Veritatis Splendor*, Pope John Paul II condemns an unnamed "system of ethics" (i.e., proportionalism) that is "not faithful to the Church's teaching, when [it] believe[s] [it] can justify, as morally good, deliberate choices of kinds of behavior contrary to the commandments of the divine and natural law… If acts are intrinsically evil, a good intention or particular circumstances can diminish their evil, but they cannot remove it."[96] Such criticisms reflect a widespread opinion that proportionalism amounts to a veiled form of consequentialism, which *a priori* rejects absolute moral prohibitions.[97] In order to explain why this is wrong, a brief explanation of proportionalism is in order.

The key question is this: "what is to count as pertaining to the moral object and moral species of an act?" The *Catechism of the Catholic Church* defines the moral object as "a good toward which the

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[92] Cahill, "Richard A. McCormick's 'To Save or Let Die,'" 135.
[93] McCormick, *Health and Medicine in the Catholic Tradition*, 19. Emphasis original.
[94] See, e.g., Germain Grisez, *The Way of the Lord Jesus, Volume I: Christian Moral Principles*, and John Finnis, *Moral Absolutes: Tradition, Revision, and Truth* (Washington, D.C.: Catholic University of America Press, 1991).
[95] Tollefson, "The New Natural Law Theory," 6.
[96] John Paul II, *Reconciliatio et paenitentia*, 76, 81.
[97] Thus, Mark Latkovic concludes his summary of proportionalism this way: "From a pastoral perspective, proportionalism was widely understood as leading to the conclusion that the end justifies the means—thus divorce and remarriage, abortion, euthanasia, artificial reproduction, and so on could be justified according to the new moral theology if doing such an act promised to realize a greater proportion of 'values' over 'disvalues'… In sum, its maxim can be reduced to the rule, 'do the greater good or do the lesser evil.'" See Mark Latkovic, "Moral Theology: A Survey," 717.

will deliberately directs itself. It is the matter of a human act." As noted above, what this refers to is the objective, or intrinsic end of an action—the "end" determined not by the subject's motivation but by the very nature of the act itself. In other words, *what is it that is being done*? Moral species refers to the *kind* of action it is, whether it is right or wrong (or neutral). James Childress describes proportionalism in terms of the process of specification:

> Proportionalists insist that moral species terms, which identify the moral nature of acts, do include or should include more than the mere physical, material event; they do or should include the whole set of morally relevant circumstances, as the prohibition of murder does but the prohibition of homicide [i.e., killing] does not. Only where these circumstances are included can a prohibition be considered absolute.[98]

We don't know if a particular act of killing is an instance of murder unless we first know whether the act was, e.g., unjust or justified, direct or indirect, intentional or unintended, whether the victim was innocent or deserving of death, and whether the agent was acting privately or in a position of legitimate authority. As this example demonstrates, to say that an act of murder is morally evil *ex objecto* (from its object), is *already* to account for a series of characteristics that exclude the possibility of moral exceptions. Proportionalists like McCormick do not object to absolute moral prohibitions, they simply insist that a similar process of specification occur with respect to certain actions traditionally considered "intrinsically evil" and *a priori* morally wrong.[99] In McCormick's words,

> causing certain disvalues (nonmoral, pre-moral evils such as sterilization, deception in speech, wounding and violence) in our conduct does not by that very fact make the action morally wrong… These evils or disvalues are said to be premoral when considered abstractly, that is, in isolation from their morally relevant circumstances…They are morally relevant because they ought to be avoided as far as possible. The action in which they occur becomes morally wrong when, all things considered, there is not a proportionate reason in the act justifying the disvalue.[100]

To say this is not to suggest that "the ends justify the means" or that an evil act can be justified by a good intention; it is to suggest that a true description *of the act itself* should take into account more than

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[98] James F. Childress, "Religious Viewpoints," in *Regulating How We Die: The Ethical, Medical, and Legal Issues Surrounding Physician-Assisted Suicide*, ed. Linda L. Emanuel (Cambridge: Harvard University Press, 1998), 131.

[99] McCormick argues this case perhaps most forcefully with the Roman Catholic stance on contraceptive use and other matters of sexual ethics: "just as not every killing is murder, not every falsehood is a lie, so not every artificial intervention preventing or promoting contraception in marriage is necessarily an unchaste act." Richard A. McCormick, "Killing the Patient," in *Considering Veritatis Splendor*, ed. John Wilkins (Cleveland: The Pilgrim Press, 1994), 17-18. Masturbation, to take one example, is arguably in most cases a sin against the goods of marriage and procreation, but it is arguably something altogether different if it occurs in the context of a medical examination to determine the cause of infertility within a marriage.

[100] McCormick, "Killing the Patient," 17-18.

a narrow physical description—including, at times, the expectation of securing a morally relevant, proportional good.[101]

§4.4. McCormick on Euthanasia and Physician-Assisted Suicide

Cahill notes that McCormick's commitment to proportionalism "does not bear all that directly on his approach to death and dying,

> Even though a proportionalist analysis might logically yield the conclusion that life as a limited or premoral good could not compete for priority with moral goods such as love or spiritual growth, and in fact could be directly sacrificed in their favor, McCormick was never willing to say that life could be taken directly to protect the moral integrity or dignity of the person. His analytical framework and vocabulary might have suggested a different outcome.[102]

McCormick never openly disagreed with the magisterial teaching on euthanasia, and it is not clear that the teaching about AN&H which he did oppose was universally binding. Why did McCormick hesitate here? Cahill believes this was a matter of "prudence," a recognition of the dangers and potential risks of wide social acceptance of mercy killing. His resistance was not specifically related to the "intrinsic morality of individual acts" but "the possible short- and long term effects of accepting acts of commission that result in death."[103] Perhaps this is true. There are certainly places where McCormick seems to take such a pragmatic line of approach.[104] He is clearly concerned with the negative effects of broader social attitudes toward death on our ability to make wise moral decisions in this sphere, insisting at one point that "until our culture has a healthy Christian attitude toward death, it cannot trust the answers it gives and must give to the many extremely difficult questions involved in any acceptance of positive euthanasia."[105] This is not exactly an overt rejection of euthanasia.

One wonders if McCormick leaves open the door to an acceptance of euthanasia "in principle." For example, is it conceivable that adopting a more Christian attitude toward death could

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[101] Though important differences exist, there is a certain compatibility between McCormick's proportionalist natural law theory and the principles-based approach of, e.g., Beauchamp and Childress. In the latter, moral principles name *prima facie* obligations against causing certain disvalues and for promoting certain goods. When these obligations conflict, as often occurs, a process of constrained balancing occurs in order to determine which course of action best satisfies the moral obligations at play. This may elicit the conclusion that "all things considered" one disvalue is proportionately outweighed by the promotion of another good or the prevention of a greater disvalue.

[102] Cahill, "Richard A. McCormick's 'To Save or Let Die,'" 141-142.

[103] Cahill, "Richard A. McCormick's 'To Save or Let Die,'" 142-143.

[104] See, e.g., Richard A. McCormick, "Notes on moral theology: April-September 1972: of death and dying." *Theological Studies* 34:1 (1973): 65-77, esp. page 73, in which he describes "the *practical absoluteness* of the prohibition against directly causing death in all terminal situation."

[105] McCormick, "Of Death and Dying," 76.

lead to a more tolerant stance on mercy-killing? McCormick does not say. In a discussion of Paul Ramsey, he seems to accept that there are instances in which the patient is "irretrievably inaccessible to human care." In such cases the duty to care is no longer binding, for no one is bound to do the impossible. If this is true, then "the difference between omission and commission would seem to lose moral meaning; for the stricture against commission (positively causing death) is but a negative concretization of our duty to care."[106] McCormick, however, is quite cautious about accepting this line of thought, citing the dubious nature of judgments that classify patients in this way. Notably, the reasons he gives for stopping short do not hinge on a rule-utilitarian type of argument. And this is why Cahill's conclusion may be slightly misguided, for it seems to add grist to the mill for those who want to charge McCormick with abandoning the deontology of natural law and absolute moral norms in favor of a consequentialist form of moral reasoning, albeit, perhaps, of a "refined" sort.[107]

One element of McCormick's thought has surprisingly not been related to his reluctance to embrace active euthanasia—namely, the indirect influence of core theological convictions on ethic deliberation *via* moral imagination. McCormick was most often content to leave explicitly Christian doctrines in the background, but at times his writing took on a more theologically inflected tone. Often, this occurred in the context of discussion on end-of-life issues. In an article on the relationship between theology and bioethics,[108] McCormick argues that one should not expect faith to supply direct answers to the problems of "quandary ethics" so typical of bioethical literature. Rather, faith informs ethics at a deeper level—at the level of a meaning-transforming story, providing "perspectives, themes, insights, not always or chiefly direct action guides."[109] McCormick suggests that his own (Roman Catholic) theological perspective can be expected to inform bioethics in *protective*,[110] *directive*,[111] and

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[106] McCormick, "Of Death and Dying," 67.

[107] See, e.g., Patrick Andrew Tully, *Refined Consequentialism: The Moral Theory of Richard A. McCormick* (New York: Peter Lang, 2006).

[108] Richard A. McCormick, S.J., "Theology and Bioethics," *Hastings Center Report* 19:2 (1989): 5-10.

[109] McCormick, "Theology and Bioethics," 7.

[110] McCormick notes that our technologically advanced culture tends to view the relationship between human beings and nature according to a "power-plasticity model" (Callahan) in which humans possess "an unrestricted right to manipulate [nature] in the service of our goals," including, at the most extreme level, the eradication of death itself. Those shaped by this model share a cultural predisposition to eliminate a "maladapted condition (defective newborns, retarded persons) rather than adjust the environment to it" and to treat persons in *functional* terms that threatens to deny their dignity. Faith, argues McCormick, "can be protective" against such a mindset, promoting instead a view of things that "aids us in staying human by underlining the truly human against cultural pressures to distort it." McCormick, "Theology and Bioethics," 8-9.

[111] Faith has a directive influence on bioethics insofar as theological themes and perspectives shape consciousness and structure ethical deliberation. One such example, which has already arisen in the context of this chapter, is that life is a basic, but not absolute, good. We have already seen how this directs ethical deliberation toward a middle way between the Scylla of medico-moral vitalism and the Charybdis of medico-moral pessimism.

dispositive ways. It is especially the influence of faith on dispositions that we have in view here. According to McCormick, the paschal mystery of Christ's death and resurrection radically reorients our dispositive attitude toward dependence. Our culture tends to see dependence on others as a terrible and terribly undignified fate, but "Christ's supreme dignity *was manifest* in dependence."[112] Following Drew Christiansen, McCormick suggests that Christians should therefore embrace a theology of dependence: "Dependence on others should be a sign of our more radical dependence on God. Since our freedom is intended to lead us into a deeper union with God, it is an interesting paradox that our deep dependence on God establishes our own radical independence: independence in dependence."[113] In other words, we are *freed* from our compulsive need to be in-dependent.[114] In the final chapter of this dissertation, we will return to this theme through an extended engagement with theologian Sarah Coakley's feminist-theological analysis of the practice of Christian silent prayer as an empowering act of kenotic openness to the divine.

McCormick extends these themes in his most explicit statement on euthanasia and physician-assisted suicide.[115] Arguing against the legalization of physician-assisted suicide,[116] McCormick contends that the absolutization of autonomy leads to "an intolerance of dependence on others." "Death with Dignity" is reduced to dying "in *my way*, at *my time*, by *my hand*." But this neglects the many ways in which human relationships depend upon a dynamic of giving and taking. In other words, interdependence includes both independence and dependence—without each, we risk distorting the very meaning of human life.

The reason that McCormick rejects PAS (and, by extension, euthanasia) is that it represents not a compassionate response to an intractable and devastating problem, but rather a symptom of (a) our unwillingness to deal with the distortions of care that makes PAS seem desirable (e.g., inadequate pain management, the financial pressures of health care, the frequency of pointless and inhumane

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[112] McCormick, "Theology and Bioethics," 9. Emphasis added.

[113] McCormick, "Theology and Bioethics," 9. Maura Ryan points to the way McCormick offers resources for a "spirituality of limits" that might be helpful for Christians thinking through issues of assisted reproduction and end-of-life ethics. See Maura A. Ryan, *Ethics and Economics of Assisted Reproduction: The Cost of Longing* (Washington D.C.: Georgetown University Press, 2001), 165.

[114] The implications for such a disposition are numerous, including an affirmation of aging and old age ("a flowering not a wilting"), a more positive understanding of autonomy (not "being left alone" but "a condition for life-shaping"), a view of healthcare as "being-with" rather than mere service-for-pay, and a view of suffering as not merely pain and of dying as not merely the end.

[115] Richard A. McCormick, S.J., "Physician-Assisted Suicide: Flight from Compassion," *The Christian Century*, December 4, 1991: 1132-1134.

[116] Noting the position of AMA vice-president M. Roy Schwartz ("Maybe in five or ten years, but not soon"), McCormick counters: "Five or ten decades would be too soon, in my judgment." McCormick, "Physician-Assisted Suicide: Flight from Compassion," 1132.

prolongation of the dying process, etc.), and (b) our reluctance to cultivate an acceptance of the place of limits and dependence in the context of the truly human life. Where Cahill might expect proportionalism to aid in the acceptance of euthanasia, we see, instead, a theologically-rich personalism preventing such a conclusion. The same conception of the "whole person" leads both to a more accepting position on withdrawal of AN&H and a more restrictive position on euthanasia and PAS.

We see here that McCormick, for all his careful use of natural law and his many writings which grapple directly with practical ethics, at times sees the moral theologian's task in a manner that more closely follows Graham Ward's language (introduced in chapter 2) of "generating new imaginary significations." McCormick understands that this is especially critical as regards knowing how to deal with modern day dying.

> There is a virtual consensus in recent literature that in America we have successfully conspired to repress death into the realm of the unreal…If this is so, clearly our first moral task is to acknowledge and then challenge the cultural attitudes and values that generate and support this repression and prevent clear and Christian thinking about death. This task is far more important than any particular moral conclusion about preserving or not preserving life. Indeed, it is simply essential if our more detailed ethical assertions are to be something more than symptoms of our cultural malaise.[117]

As we have just noted, central to this task is the re-claiming of a grammar of dependence and a proper understanding of the role of limits for the good life. This entails, I believe, a recognition that "burdened agency" will not be helped primarily by a predetermination of which "acts" are licit or illicit so much as by a tradition offering an alternative vision of moral agency altogether. In the next section we turn to Karl Rahner, who ties together issues of mortality and agency more directly, perhaps, than any other major figure in recent Roman Catholic moral theology.

§5. Karl Rahner's *Theology of Death*

§5.1. Background Considerations for Rahner's Thought

In some ways, it is difficult to fit a figure like Karl Rahner, S.J., into a framework like Curran's. He certainly exemplifies a post-Vatican II approach to moral theology, though much of his work predates

[117] McCormick, "Of Death and Dying," 76-77. Cf., footnote 90 on page 22 of this chapter.

the council. Rahner underwent theological and philosophical training in the waning days neoscholasticism, but was never quite at home in the midst of the more defensive and confrontational attitude of the Church during this period.[118] Over time, as Rahner's more conciliatory approach to theology and philosophy gained credibility within the Church, Rahner found himself closer to the theological mainstream, eventually even taking the role of theological adviser (*peritus*) at Vatican II, a position with great influence on the future of moral theology. Compared to neoscholasticism, then, Rahner fits more naturally within Curran's "revisionist" stream of moral theology. Rahner, however, has also contributed greatly to the formation of the Magisterium as it now stands—his influence is especially pronounced in the *Catechism of the Catholic Church*, for example.

Rahner reflected on death and dying numerous times throughout his life, writing at least nine articles and one monograph on the subject between 1957-1976.[119] By far his most thorough and direct engagement with the subject was *Zur Theologie des Todes* (*On the Theology of Death*), originally published in 1958.[120] The work considers death under three aspects: (a) death as an event concerning the human being as a whole, (b) death as the consequence of sin, and (c) death as a dying with Christ—with an additional epilogue on the meaning and significance of Christian martyrdom.

Two methodological points help explain this order of presentation. The first has to do with the relationship between Church dogma and speculative theology. According to Rahner (in a surprisingly neoscholastic move), one should begin with "the doctrine proposed by the ordinary and extraordinary *magisterium* of the Church… the unquestionable foundation for all further efforts by the theologian" (9). Only after the position of the church has been articulated is the path set for attempting "to advance a little way further into the theological problems and speculations which are suggested by each statement or can be developed from it" (11). This methodological point seems to lie in tension with what theologian Nicholas Adams calls Rahner's "well-known intellectual habit" of beginning "with what he takes to be generally or even universally accessible descriptions of human experience," before moving from them to "more specifically Christian observations as a corollary."[121] Rahner's

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[118] Rahner's initial attempt at a doctorate in philosophy (influenced by his participation in a seminar under Martin Heidegger) was thwarted by his Catholic supervisor, Martin Honecker. Honecker was apparently dubious of Rahner's attempt to reconcile scholastic theology and contemporary philosophy, explicating Thomas Aquinas in light of a quasi-Kantian transcendental method. See, David Albert Jones, *Approaching the End: A Theological Exploration of Death and Dying* (Oxford: Oxford University Press, 2007), 144 ff. Cf., Herbert Vorgrimler, *Understanding Karl Rahner: An Introduction to His Life and Thought*, trans. John Bowden (New York: Crossroad, 1985), 52 ff.

[119] These works are listed in Jones, *Approaching the End*, 149fn8-9.

[120] Karl Rahner, *On the Theology of Death.* 2nd English ed. (Freiburg: Herder and Herder, 1965). Hereafter cited in text.

[121] Nicholas Adams, "Eschatology Sacred and Profane: The Effects of Philosophy on Theology in Pannenberg, Rahner and Moltmann," *International Journal of Systematic Theology* 2:3 (November 2000).

explicit statement suggests that theology moves from dogma to experience. If Adams is right, though, Rahner's implicit *practice* seems to suggest otherwise. Is it possible for Rahner's theology to move in two directions at the same time? I believe it is. Consider the following quotation: "Among the propositions of the Church's doctrine on death, some are, obviously, applicable to every human death; others qualify death in such a way that they cannot apply to every case" (12). As we shall see, Rahner begins his theology of death with certain "existentially neutral" (12) descriptions of death as an event common to all people. These descriptions are not simply empirical observations, however, but themselves belong to the "Church's doctrine." As existentially neutral, one would expect these characterizations of death to be reasonable to all people. But, on Rahner's view, their neutrality is itself a theological proposition: the neutrality of death is what makes it possible for all human beings to undergo the same death, yet for each death to be inflected theologically in terms of either judgment or salvation.[122]

§5.2. Death as Natural End

Central to Rahner's theology of death is a basic tenet of philosophical anthropology: the human being is a union of nature and person. The natural aspect of the human condition includes the limitations of organic, bodily life, subject to various laws (e.g., the second law of thermodynamics, the necessity of sleep and consuming organic life for sustenance, etc.). In addition to the natural, human existence is also personal, characterized chiefly by freedom and self-determination. Personal life has a moral and spiritual dimension not captured in terms of human nature. The personal and the natural, however, are "equiprimordial," we might say: the human being lives in a basic dialectical tension between freedom and finitude.[123]

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[122] Shannon Craigo-Snell make a similar point: "For Rahner, death is a profoundly theological event and should be recognized as such. Even statements about the universality of death are, in Rahner's view, only justifiable on theological grounds. Without revelation, we could imagine that someday doctors will find a way to keep death at bay indefinitely. Our certainty that everyone must die is a Christian truth, based on theological anthropology." See Shannon Craigo-Snell, *Silence, Love, and Death: Saying Yes to God In the Theology of Karl Rahner* (Milwaukee: Marquette University Press, 2008), 123. Similarly, Rahner's understanding of death as a "natural" event is a conclusion from the theological premises that death is a consequence of sin and *may* be a salvific dying with Christ. Since death "cannot be both the consequence of sin and a dying with Christ at the same time… then death must have a natural essence proper to it… There must be in death, as it is an actual event for each individual, some common element, neutral, so to speak, which permits us to say that, in a true sense, all men die the same death" (36).

[123] Here Rahner's thought reflects a long line of existentialist-phenomenological reflection on the interplay between freedom and finitude, running from Kierkegaard and Heidegger through Reinhold Niebuhr and Paul Tillich. (See, e.g., Søren Kierkegaard, *The Concept of Anxiety: A Simple Psychologically Orienting Deliberation On the Dogmatic Issue of Hereditary Sin* (Princeton: Princeton University Press, 1980); Søren Kierkegaard, *The Sickness Unto Death: A Christian Psychological Exposition for Edification and Awakening by Anti-climacus* (London: Penguin, 1989); Martin Heidegger, *Being and Time: A Translation of*

According to Rahner, "death is an event which strikes man in his totality" (13).[124] It must, then, have both a natural and a personal dimension. Rahner makes two main points about death's natural aspect. First, Rahner notes that natural death is universal. This statement goes beyond the purely empirical observation that all human beings die; it is about "more than an obscure, unsolved, purely biological problem" (14). Rahner notes, what is still the case today, that it remains a mystery "why all living things composed of many cells, and man in particular, do die" (15).[125] Nevertheless, Rahner (presciently) rejects the idea that death could, in principle, be removed from the human condition: "the necessity of death belongs to the necessary features of human existence…it will never be possible to abolish death" (15).[126] The second point Rahner makes about the natural aspect of death is that death is understood properly as the separation of body and soul. That this describes death as natural rather than personal may be counterintuitive to some. Rahner himself notes that this "classical theological description" is "closer to the essence of death," but it still considers death naturally, for it approaches death from the point of view of the human being as organism. At death "the soul no

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Sein Und Zeit*,* trans. Joan Stambaugh (Albany: State University of New York Press, 1996); Martin Heidegger, *The Fundamental Concepts of Metaphysics: World, Finitude, Solitude* (Bloomington: Indiana University Press, 1995); Reinhold Niebuhr, *The Nature and Destiny of Man: A Christian Interpretation* (New York: Scribner, 1964); Paul Tillich, *Systematic Theology, Volume 2: Existence and the Christ* (Chicago: University of Chicago Press, 1957)). It is no wonder that Peter C. Phan describes Rahner's theology of death during this period as "individualist-existentialist." See Peter C. Phan, "Eschatology," in *The Cambridge Companion to Karl Rahner*, eds. Declan Marmion and Mary E. Hines, 174-192 (New York: Cambridge University Press, 2005).

[124] Rahner typically uses the masculine pronouns and the designation "man" to refer to humankind. Where authors use such language, I have chosen to preserve their original word choices, though when the statements are my own I attempt to use more inclusive language. When it is most appropriate to use a personal pronoun to refer to human beings in general, my tendency is to alternate between the use of "he" and "she," rather than attempt a neuter/impersonal pronoun.

[125] See Gilbert Meilaender, *Should We Live Forever? The Ethical Ambiguities of Aging* (Grand Rapids: William B. Eerdmans Pub. Co., 2013), esp. Chapter 1.

[126] Beyond the fact that even Christ died, Rahner draws attention to the traditional teaching of the Church: according to Genesis, and supported by the Apostle Paul, after the sin of Adam, all humanity is subject to death. He then introduces the hypothetical question of humanity's destiny in a world absent of sin. Would not the human being be subject to the very laws of nature that lead to death? Rahner follows the traditional Roman Catholic position, that "…these natural causes of death would not have been able to operate in the condition of man in the Garden of Eden, because of an exceptional gift of God." After the fall, this super-added gift (*donum superadditum*) was withdrawn. The cause of death, then, even if in one sense natural and biological, is in a prior sense personal and spiritual.

Notably, however, this does not mean that Adam and Eve, apart from sin, would have continued on in their paradisiacal state forever. "It can confidently be said that [Adam] would surely have had an end to his life; remaining in this bodily constitution… he would have brought his personal life to its perfect consummation even in his bodily form through a 'death' which would have been a pure, active, self-affirmation, attaining a perfection of an embodied kind yet open to the world in its totality, the perfection we now look for as the final result of the redemption, and as the eschatological miracle of the resurrection of the body. This end of man in Paradise, this 'death' without dying, would have been a pure apparent and active consummation of the whole man from within, without death in the proper sense, that is, without suffering from without any violent dissolution of the actual bodily constitution" (34-35). Therefore, "not every aspect of our death can be considered a consequence of sin that ought not to have been" (34). Notice how this elevates the significance of personal death over natural death.

longer holds the structure of the body together as a distinct reality, governed by its own immanent, vital laws" (17).[127]

"Separated" turns out to be a key word for Rahner's analysis. The teaching of the church is that the soul does not cease to exist at death. But what relationship the soul retains, if any, to the material world remains unspecified. Rahner posits that since the soul is united with the body in life, it has an intrinsic relationship with the whole of which the body is a part—that is, the material cosmos. Rahner rejects the idea that at death the soul's relation to the world is dissolved completely. The soul becomes not a-cosmic (a more Neoplatonic ideal than Christian), but rather "pancosmic" or "all-cosmic,"[128] entering into a "deeper, more comprehensive openness" toward the "ground of the unity of the universe" (19). Rahner is careful to note that this does not mean that the entire world becomes the "body" of the soul, or that the soul becomes "omnipresent" (21-22). Rather, Rahner has in mind a more open and fluid relationship, a mysterious interpenetration, between soul and world, whereby the soul "becomes open towards the universe and, in some way, a co-determining factor of the universe" (22).[129]

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[127] Rahner accepts the definition of death as the separation of body and soul, but only to a point, and not without reservations. Such a description, he notes, does not touch on the specifically *human* element in death. Animals, too, lose their vital life-force, their spirit, at death. It also leaves unanswered various questions regarding the soul's relationship to the body, and the relationship between soul and matter more generally (18 ff.).

[128] This is Craigo-Snell's preferred translation, which has the advantage of avoiding linguistic association with notions of pantheism or panentheism, notions that Rahner explicitly rejects.

[129] This "hypothesis" does theological work for Rahner in three ways: (a) He uses it to make sense of the doctrine of purgatory. "This doctrine," Rahner claims, "is perhaps clearer if it is assumed that the soul, freed from the body, is not removed entirely from the world, but that the soul, after surrendering its bodily structure and through that surrender, experiences in its morally free self-determination more clearly and acutely its own harmony or disharmony with the objectively right order of the world, and conversely, itself contributes to determining the latter (24); (b) Rahner believes the soul's all-cosmic relation to the world also preserved the resurrection's status as "a *perfection* of [man's] personal, spiritual principle" (25, emphasis added). Like the body of the Risen Lord, which was localized and recognizable yet mysteriously appeared and vanished, the resurrection body (1 Cor 15) demonstrates "perfect plasticity in relation to the spirit of man as supernaturally perfected and divinized by grace… [which] does not necessarily coincide with the exclusion of localization in any other place. A corporeality which is the actual expression of spirit, though concrete, remains open for maintaining or entering into free and unhampered relations with everything" (25-26). It is not simply to say that the soul is "freed" from the body at death, but rather that the resurrection body is raised to the level of the all-cosmic soul, and, as such, achieves its perfection; Finally, (c) this hypothesis informs Rahner's Christology and soteriology. The basic question is this: how is it that Christ's death becomes redemptive *for others*? According to Rahner, "through Christ's death, his spiritual reality, which he possessed from the beginning, enacted in his life, and brought to consummation in his death, becomes open to the whole world and is inserted into this whole world in its ground as a permanent determination of a real ontological kind" (63). In support of this "line of speculation," Rahner marshals a curious interpretation of Christ's "descent into hell": "…when we think of man entering the lower world we at least implicitly think of him as establishing contact with the intrinsic, radically unified, ultimate and deepest level of the reality of the world. Consequently, in the profession of our faith in the descent of Christ into hell, as it is stated in the Creed, we may perhaps implicitly include, and apply to Christ's death as well, the ideas which resulted from our general consideration of death as the separation of body and soul [i.e., the soul's all-cosmic relation to the world]" (64). Here, if nowhere else, it seems that Adams' evaluation of Rahner's methodology is on full display: having established a general truth on philosophical grounds, Rahner then applies it (his term!) to the specifically Christian doctrine of the atonement.

§5.3. Death as Personal Act

The universality of death and the separation of body and soul are "natural" aspects of death that apply equally to all human beings. There is, however, a further, "personal" aspect of death which, according to church teaching, is true for every individual: death is the conclusion of one's state of pilgrimage. As such, it "brings man, as a moral and spiritual person, a kind of finality and consummation which renders his decision for or against God, reached during the time of his bodily life, final and unalterable" (26).[130]

Behind this view of death as a personal act of fulfillment lies Rahner's understanding of the nature of human freedom and the "fundamental option." The relationship between the two is nicely summed up by Shannon Craigo-Snell in the following quotation:

> Because the human person experiences herself in her totality— she is self-possessing— and she transcends her finite situations such that she can imagine many future possibilities, she is responsible and free. Freedom, for Rahner, is not a neutral capacity to choose between options in a stream of individual choices. Rather, it is the freedom to decide about oneself in one's totality and in relation to God. It is the freedom to accept or reject one's orientation to God. This freedom to actualize oneself in relation to God is, in Rahner's theology, a participation in one's own creation. Over the course of a lifetime, each person chooses to accept or reject her orientation to God. This choice, or fundamental option, is granted eternal validity by God.[131]

In the phrase, "freedom to decide about oneself in one's totality," we see the influence of one of Rahner's teachers, Martin Heidegger. Because it is such a central aspect of Rahner's theology of death, it may be worthwhile to pause for a moment to consider their relationship. Doing so will highlight key conceptual issues surrounding the fundamental question of human activity and passivity in the face of death.

One of the central problematics in Heidegger's *Being and Time* is the question of how one is able to achieve "authenticity" in one's life.[132] For Heidegger, the human mode of being ("Dasein") is

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[130] Rahner is adamant that human life is "suspended between a genuine beginning and a genuine end" (27). In true existentialist form, he suggests the utter finality of death entails the "radical seriousness" of "this earthly life." Theories of the transmigration of the soul or "palliative" accounts of human dying (e.g., death is nothing, for the immortal soul just continues on) have no place in Christian theology. The myth of the eternal return is just that, a myth. Human life is "truly historical, that is, unique, unrepeatable, of inalienable and irrevocable significance" (27).

[131] Craigo-Snell, *Silence, Love, and Death*, 25.

[132] The following paragraph is deeply indebted to Stephen Mulhall, *Philosophical Myths of the Fall* (Princeton: Princeton University Press, 2005), 49 ff.

unique in that it considers the Being (i.e., the essential nature) of beings—including its own Being. In doing so, it recognizes its Being as both meaningful and contingent, confronting Dasein with unrealized potentialities that provide possible ways forward. Dasein does not develop as an acorn develops into a tree. "[U]niquely among beings, Dasein's existence precedes and determines its essence. Thus, Dasein's existence manifests what Heidegger calls 'mineness.'"[133] This opens up the possibility for genuinely free responsibility, but also the possibility for its opposite: the refusal of responsible, individual agency in the world. The default state of Dasein, on Heidegger's view, is one in which individual responsibility is sublimated and dissolved in impersonal conventions about "what is done." Individuality—one's ownmost existence—is forfeited for inauthenticity, a mode of being that Heidegger calls "falling."[134]

Death plays a central role in Dasein's achievement of authenticity. Death, for Heidegger, is not *simply* a singular event which occurs at the end of biological life, but also an existential attitude toward that end.[135] The human being lives, in a manner of speaking, with an awareness of her thrown-ness (*Geworfenheit*) toward death. In light of this awareness, she is faced with the question of how she will relate to her finite, mortal condition. Death is not simply a fact for her, but it becomes a "possibility" for her.[136] This illuminates her ontological orientation toward the future in the mode of "possibility" [*Möglichkeit*]. Will she take responsibility for her future possibilities, and especially for this "ownmost, nonrelational, certain, and, as such, indefinite and insuperable possibility"?[137] If she will, Matthias Remenyi notes,

> death loses its imposing aspect that plunges the subject into radical passivity… and becomes a lifelong task that the individual must traverse in freedom and responsibility. Of course, this task can never be adequately realized, as death is not any random possibility, but rather the distinct possibility of "the impossibility of being in general." And yet it remains that only those who incorporate this ownmost and insuperable possibility in the form of a free and conscious running up [*Vorlaufen*] to death—and thus as an active feat of one's own freedom—raise themselves from being lost, from degradation and non-authenticity into the freedom of authentic self-being.[138]

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[133] Mulhall, *Philosophical Myths of the Fall*, 50.

[134] At its worst "falling" entails a loss of engagement with the world itself; one simply becomes satisfied with what "the they" (*das man*) says about such-and-such, rather than what one's own attentive notice of a thing supplies.

[135] According to Heidegger, "the ending that we have in view when we speak of death, does not signify a being-at-the-end of Dasein, but rather a *being toward the end* [*Sein zum Ende*] of this being. Death is a way to be that Dasein takes over as soon as it is." *Being and Time*, 236.

[136] Heidegger, *Being and Time,* 241: "death is a possibility of being that Dasein always has to take upon itself. With death, Dasein stands before itself in its *ownmost* possibility of being [*das eigenste Seinkönnen*]."

[137] Heidegger, *Being and Time*, 248.

[138] Matthias Remenyi, "Death as the Limit to Life and Thought: A Thanatological Outline," trans. Alex Holznienkemper, in *The Heythrop Journal* 55 (2014): 94-109.

For Rahner, as for Heidegger, a basic reality about human existence is that it is necessarily laden with freedom, and yet, it is possible—indeed, likely—for individuals to deny and ignore the fact. Thus, Rahner states, one "may be like driftwood, and in a cowardly, lazy manner he may regard himself as but the product of his age and environment. But his real duty is to accept his freedom willingly and without force, to love it and to have the courage to face it" (87). Craigo-Snell elaborates Rahner's position in terms that will recall our concept of "burdened agency": "Human beings find themselves in the middle of an already ongoing freedom that demands decisions and action. We have been burdened with an imposed freedom that we cannot discard. Yet we can choose how we regard and enact this freedom… In facing our own death, we must decide how to understand and live out our own freedom, either as 'forced freedom or free liberty.'"[139] According to Robert Ochs, "Rahner's… approach to death as act comes from a conviction that everything in a person's existence should ultimately be act, should be freely affirmed. Man is basically defined by freedom… Even man's freedom, which he discovers as a fact, must be freely assumed. It has to be taken up as a task. The imposed freedom must become free freedom."[140] In Heideggerian terms, will we finally grasp our authenticity?

For Rahner (perhaps not surprisingly, given the evident influence of Heidegger), the quality of one's relationship to death determines the quality of one's life as a whole. "In death the soul achieves the consummation of its own personal self-affirmation, not merely passively suffering something which supervenes biologically, but through its own personal act" (30-31). Death "must be an active consummation from within… the achievement of total self-possession, a real effectuation of self, the fullness of freely produced personal reality" (31). At the same time, "inseparably and in a way which affects the whole human being, the death of man as the end of a material biological being is a destruction, a rupture, an accident which strike man from without… This simultaneity of fulfilment and emptiness, of actively achieved and passively suffered end, of full self-possession and of being completely dispossessed of self, may, for the moment be taken as a correct description of the phenomenon we call death" (40).

It must be noted that Rahner here has in view a highly abstract notion of death. He is not speaking about suicidal tendencies or taking one's dying into one's own hands. Rahner does not believe

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[139] Craigo-Snell, *Silence, Love, and Death*, 126.

[140] Robert Ochs, "Death as Act: An Interpretation of Karl Rahner," in *The Mystery of Suffering and Death*, ed. Michael J. Taylor, 119-138 (New York: Alba House, 1973).

that death as an "act" occurs in a single moment (as, for example, in the death-bed *tête-à-tête* between man and God), but, rather, that it is "achieved through the act of the whole of life in such a manner that death is axiologically present all through human life. Man is enacting his death, as his own consummation, and in this way death is present in his actions, that is, in each of his free acts, in which he freely disposes of his whole person" (44).[141]

§5.4. Activity, Passivity and Human Freedom

What can be said *materially* about this personal act which occurs in death? At times, it seems the language Rahner uses suggests that what is most important about the character of this act is that it is a self-conscious forging of one's basic identity. It is almost as if Rahner is proposing a radical self-assertion on the part of the individual, an existentialist act of self-creation that relies on individual will-power. Have we here arrived at a Margaret Pabst-Battin's "Stoic" view of death ("one's role should be as far as possible active, self-assertive, and responsible and may include ending one's own life"),[142] only now recommended by a Christian theologian?

While such a conclusion is tempting, it is ultimately misguided. For Rahner's understanding of the personal "act" of death is not ultimately about self-assertion, but rather an act of self-surrender. To understand this, it is perhaps best to begin with an account of Christ's death. It is Rahner's contention that in his dying Christ fundamentally changed death itself.

> The real miracle of Christ's death resides precisely in this: death which in itself can only be experienced as the advent of emptiness, as the impasse of sin, as the darkness of eternal night… and which 'in itself' could be suffered, even by Christ himself, only as such a state of abandonment by God, now, through being embraced by the obedient 'yes' of the Son, and while losing nothing of the horror of the divine abandonment that belongs to it, is transformed into something completely different, into the advent of God in the midst of that empty loneliness, and the manifestation of a complete, obedient surrender of the whole man to the holy God at the very moment when man seems lost and far removed from him (71-72).

Through Christ's obedience, "the dreadful falling into the hands of the living God, which death must appear as a manifestation of sin, becomes in reality, 'Into Thy hands I commit my spirit'" (72).

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[141] Cf., Craigo-Snell, *Silence, Love, and Death*, 124.
[142] Battin, *Ending Life*, 6.

Surrender is a peculiar mix of activity and passivity, an active release of self in trust of another.[143] As Craigo-Snell remarks of the crucifixion, "Jesus *acts* precisely in his powerlessness and passivity."[144] Notably, for Rahner, Jesus's death reveals not only the true nature of our own dying, but also the very essence of human freedom: one can only become truly free by giving up the desire to grasp at freedom, and by surrendering in trust to the "nameless mystery which we call God."[145] Rahner notes that the Christian dies a "different death" from that of the sinner. Death no longer has the quality of being a penalty for sin, but rather, remaining a consequence of sin, it becomes an instrument of God "for our purification and testing" (67). The New Testament speaks of a "dying in the Lord" (Apoc 14:13; 1 Thess 4:16, 1 Cor 15:18) and a dying with Christ (2 Tim 2:11; Rom 6:8), which begins with baptism and faith (75), and continues as a life-long process of *mortificatio* (Rom 6:6, 11 f.; 7:4-6; 8:2, 6-12), demonstrated publicly in the Church through sacraments of Eucharist and Unction (75 ff.), and, we might add, practiced privately in Christian silent prayer.

What does this "dying with Christ" look like? According to Rahner, death "is faced rightly when it is entered upon by man as an act in which he surrenders himself fully and with unconditional openness to the disposal of the incomprehensible decision of God" (44). Such is the death of the martyrs, which "discloses *the essence* of Christian death" (101, emphasis added). The martyrs, in fact, evidence such utter freedom in surrender that they even have "love for death and courage for death"

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[143] In saying this, I recognize that there are forms of surrender that do not indicate trust, but rather resignation or fear of brute force. This heteronomous surrender, however, is not what is displayed in Christ's crucifixion. Though the empire and the Pharisees thought Jesus's death was simply suffered, it is precisely the mystery of faith that Christ "*gave himself* for us to redeem us" (Titus 2:14). As noted above, we will return to important feminist concerns regarding self-sacrifice in theological ethics in Chapter 6.

[144] Craigo-Snell, *Silence, Love, and Death*, 132. Emphasis added.

[145] Rahner elaborates the nature of freedom as "mysterious interplay between action and passion" in the following quotation: "The freedom which is exercised on the physical plane is, in fact, that freedom by which man lays himself open to intervention from without, submit to control by another power or powers. They [sic] physical side of man's nature constitutes the sphere in which the interplay takes place of action from within himself and passion as imposed from without. As a physical being endowed with freedom man has to take cognizance of the fact that he occupies an intermediary position. He is neither wholly self-directing nor wholly subject to control by another, but half-way between these two. The mysterious interplay between action and passion in the exercise of human freedom appears above all in the fact that it is precisely at the very point at which man freely achieves his own perfection that he is, at the same time, most wholly subject to control by another. The ultimate act of freedom, in which he decides his own fate totally and irrevocably, is the act in which he either willingly accepts of definitively rebels against his own utter impotence, in which he is utterly subject to the control of a mystery which cannot be expressed—that mystery which we call God. In death man is totally withdrawn from himself. Every power, down to the last vestige of a possibility, of autonomously controlling his own destiny is taken away from him. Thus the exercise of freedom taken as a whole is summed up at this point in one single decision: whether he yields everything up or whether everything is taken from him by force, whether he responds to this radical deprivation of all power by uttering his assent in faith and hope to the nameless mystery which we call God, or protests against this fall into helplessness, and, because of his disbelief, supposes that he is falling into the abyss of nothingness when in reality he is falling into the unfathomable depths of God." See Karl Rahner, "On Christian Dying," in *Theological Investigations*, vol. 7, trans. David Bourke, 285-293 (New York: Seabury Press, 1971).

(87).[146] Conversely, "mortal sin consists in the will to die autonomously, when death's open orientation towards God (which is contained in its obscurity) is not consented to" (44). This may take the form of despair, when, for example, one understands the obscurity under which death is experienced as absolute, and, in turn, chooses self-reliance rather than trust. It may also take the form of denial: the spiritualist will thank the lord that at death the true self (the soul?) is finally freed from the shackles of the body; the naturalist will thank the stars that death returns her to the ebb and flow of organic life contributing to the growth and development of the whole.[147]

§6. Conclusion: A Spirituality of Martyrdom

Let us briefly review where we have come in the preceding chapter. We began by noting Battin's "great divide" in contemporary views of death and dying. In our culture, it is as if two streams flow, side by side, never coming together but each touching us all in some way. For this reason, we are unsure whether, in relation to our dying, we ought to be as active as possible (the Stoic view) or utterly passive, resigned to let death come upon us without enacting our own will or agency in the process (the Christian view). None of us lives fully into these ideal types, but we use them for heuristic purposes: they illuminate something about our social attitudes toward agency-in-dying. And yet, as ideal types, they also threaten to obscure basic fact, ambiguities and nuances that are equally important to take note of.

For this reason, we left the types behind in order to survey one stream of the Christian tradition, Roman Catholic moral theology. We did so in order to position ourselves more carefully with respect to at least one side of Battin's "great divide," namely, the "Christian" side. Following Curran, we further divided this tradition into three general approaches, taking each in turn (noting their substantial overlap and historical interactions). Doing so allowed us to track the basic question of how Christian theology suggests the moral relation between human agency and death and dying.

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[146] Thus, Rahner states, "when death is loved for its own sake, and explicitly, it cannot but be a good death. Whenever it is faced in a spirit of pure and free submission to the absolute decree, it is a good death. And this quality can be sufficiently verified by observation" (111), for how else could the church designate certain people as "martyrs"?

[147] See, e.g., the following reflection of Sherwin Nuland (*How We Die: Reflections On Life's Final Chapter* (New York: A.A. Knopf, 1993), 267): "A realistic expectation… demands our acceptance that one's allotted time on earth must be limited to an allowance consistent with the continuity of the existence of our species. Mankind… is just as much a part of the ecosystem as is any other zoological or botanical form, and nature does not distinguish. We die so that the world may continue to live. We have been given the miracle of life because trillions upon trillions of living things have prepared the way for us and then have died—in a sense for us. We die, in turn, so that others may live. The tragedy of a single individual becomes, in the balance of natural things, the triumph of ongoing life."

The moral stance of the Roman Catholic Magisterium on this matter may be summed up in the following way: "The Christian should neither exhaust life to avoid death nor administer death before the Author of life."[148] Life and death are both relativized in light of core theological convictions. We noted, however, that the Magisterium's adoption of the rule of double effect in distinguishing between morally bad actions (e.g., PAS and euthanasia) and morally good (or at least neutral) actions (e.g., terminal sedation) hinges on the relevance of intention (is death *intended* or merely *foreseen*?) and means (is death *directly* caused or merely a *byproduct* of another action?). The underlying principle given in the *Catechism* for identifying acceptable acts is as follows: "Here one does not will to cause death; [rather] one's inability to impede it is merely accepted." We also noted, however, that the Magisterium allows for a legitimate desire for death, sees death as in some way natural and suffering as meaningful, allows for palliation and terminal sedation, and is clear in its rejection of the necessity of extraordinary means of life preservation.

We then turned to the relatively recent tradition of New Natural Law. We noted that the new natural lawyers admitted of considerably less ambiguity than even the Magisterium. Chief among the goals of NNL, is a philosophical defense of the coherence of intrinsically evil acts. This is achieved largely through emphasizing the importance of intention and describing acts in sometimes incredibly narrow, physicalist terms. In NNL, moral clarity is gained by narrowing the scope of morally relevant features of an act. With respect to death and dying, any act that can be said to directly and intentionally cause the diminishment of a basic good (i.e., life), must *ergo* be an intrinsically evil act, and, therefore, is morally prohibited. If Battin has in mind the tradition of NNL, then she is surely correct.

Richard McCormick argues this is exactly the wrong way to go. McCormick's personalist and proportionalist natural law theory challenged the more classicist ethos of magisterium and NNL. Clarity is important but should not be gained at the expense of reason. For his part, McCormick widened the scope of relevant moral issues, arguing for evaluations of quality of life (defined in terms of capacity for relationship) in decisions to withhold and withdraw treatments, and for a consideration of the overall context of an act as counting as part of its moral object. McCormick, however, did not follow this reasoning all the way toward an acceptance of PAS and euthanasia. This was partly for pragmatic reasons of avoiding the future negative consequences of adopting more liberal views on these issues, but McCormick's hesitation, I believe, is not simply an example of cautious rule utilitarianism. McCormick also had explicitly theological reasons for refusing this path, not reducible

[148] Mauceri, "Euthanasia," 377.

to natural law and not explicable in terms of public reason. Among these are the way in which the death and resurrection of Christ reorients Christian attitudes toward suffering, dependence and death itself, in a way that mitigates the typical arguments in favor of PAS and euthanasia. Finally, we turned to Karl Rahner, who, more than anyone else in recent Roman Catholic moral theology, attends to the "burden of agency" and the concomitant questions of whether death is finally an act or something suffered. Acknowledging that, as a union of person and nature, the human being experiences death both as something suffered from without and something achieved from within, Rahner goes on to provide a Christologically inflected existentialist theology of death. Death is the culmination of a life-long process of self-creation, the moment in which one's fundamental option for or against God is disclosed and sealed—though, as such, death is also present as an axiological principle in every moment of life. Through his death, Christ has transformed death and made possible a salvific "dying with Christ." Such a death is true freedom only insofar as it involves surrender, a final "yes" to God. Not simply active or passive, dying with Christ entails a "mysterious interplay between action and passion."

I want to suggest, in concluding, that a better way to think about the Christian view of agency-in-dying than Battin's active-passive binary is in terms of a "spirituality of martyrdom." This phrase, which was introduced by Servais Pinckaers O.P., connects two important notions. First, it implies that moral theology is primarily concerned with the shape of the Christian life as a whole, what Pinckaers refers to as "spirituality,"[149] before it is concerned with concrete, particular decisions. Recalling Ward's analysis of Christian practices and cultural transformation in the last chapter, I believe we should follow Pinckaers's lead in emphasizing this notion of "spirituality" for it situates the Christian standpoint-project in relation to the dominant cultural imaginaries, and points to the resources in Christianity for "generating new imaginary significations" through acts of narration and re-narration of the moral agent's place in the Christian story. As both Rahner and Pinckaers suggest, with respect to death and dying the concept of martyrdom is precisely one locus for such generative activity to occur.

To be sure, martyrdom is a concept which will strike many contemporary readers as misguided, if not potentially dangerous. The theopolitical implications have been felt especially acutely since

[149] Pinckaers suggests that moral theologians adopt a "broader conception of spirituality" than they typically have. By spirituality, Pinckaers means "the study of the Christian life and its development insofar as that life is placed under the direction of the Holy Spirit." See Pinckaers, *The Spirituality of Martyrdom*, 13-14.

9/11.[150] There are many noteworthy recent works dealing critically with important issues regarding the nature and purpose of martyrdom. These issues include debates about the prevalence of persecution in the early church,[151] the psychological and spiritual motivations of early Christian martyrs,[152] the conditions for official church designation as a martyr,[153] and the relationship between the act of martyrdom and early Christian proclamation and self-identity.[154] As important as each of these issues is, I am more interested at this point in how the work of Pinckaers, Rahner, and others[155] draws from the theological meaning of martyrdom to inform and influence moral and spiritual life in contemporary Western societies. Pinckaers, for example, suggests "even if we are not threatened with death in the Western countries, we are all [still] called to give witness to the Lord and to the Gospel in our daily actions and in our life in society."[156] Giving "witness" occurs through proclamation of the gospel and through obedient lives that testify to Christ's lordship. Therefore, martyrdom "does not represent one tiny spirituality among others; rather, it is written in the very heart of the Gospel."[157] Pinckaers notes the martyr's connection with Christ's humble, kenotic self-giving (described by Paul in Philippians 2), in that the martyr is the one who is "obedient to the point of death."[158] "The first and principal element of Christian martyrdom…. [is] the witness given to Christ, so complete that it extends to the acceptance of death."[159] Notably, however, the death here mentioned need not be *strictly* understood as being "put to death." Pinckaers refers to Augustine, who "adds that a Christian can be a martyr in his bed, if he remains faithful to Christ in the face of disease and death, refusing the amulets

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[150] See, e.g., Brian Wicker, "Conflict and Martyrdom after 11 September 2001," *Theology* 106 (2003): 159-167; and Brian Wicker, "The Drama of Martyrdom: Christian and Muslim Approaches," in *Witnesses to Faith? Martyrdom in Christianity and Islam* (Burlington: Ashgate, 2006).

[151] See, e.g., Candida Moss, *The Myth of Persecution* (New York: HarperOne, 2013); Ephraim Radner, "Unmythical Martyrs," *First Things*, 223 (2013): 53-55.

[152] See e.g., Margaret Cormack (ed.), *Sacrificing the Self* (New York: Oxford University Press, 2002); Rona M. Fields, "The Psychology and Sociology of Martyrdom," in *Martyrdom: The Psychology, Theology and Politics of Self-Sacrifice*, ed. Rona M. Fields, Valerie Rosoux, Coilin Owens, and Michael Berenbaum (Westport: Praeger, 2004); and J. Warren Smith, "Martyrdom: Self-Denial or Self-Exaltation? Motives for Self-Sacrifice from Homer to Polycarp; A Theological Reflection," *Modern Theology* 22:2 (April 2006): 169-195.

[153] See, e.g., Lawrence Cunningham, "Saints and Martyrs: Some Contemporary Considerations," *Theological Studies* 60:3 (September 1999): 529-538; and Robert Royal, *Catholic Martyrs of the Twentieth Century* (New York: Crossroad, 2000).

[154] Michael P. Jenson, *Martyrdom and Identity: The Self on Trial* (New York: T&T Clark, 2010); G. W. Bowerstock, *Martyrdom and Rome* (New York: Cambridge University Press, 1995); and Robin Darling Young, *In Procession before the World: Martyrdom as Public Liturgy in Early Christianity* (Milwaukee: Marquette University Press, 2001).

[155] See, e.g., Craig Hovey, *To Share in the Body: A Theology of Martyrdom for Today's Church* (Grand Rapids: Brazos Press, 2008).

[156] Pinckaers, *The Spirituality of Martyrdom*, 4.

[157] Pinckaers, *The Spirituality of Martyrdom*, 2, 11. Pinckaers draws this conclusion from an interpretation (originally put forward by Augustine) of the Beatitudes, which holds the eighth Beatitude ("Blessed are those who are persecuted for righteousness's sake, for theirs is the kingdom of Heaven") as the culmination and summation of the Beatitudes as a whole.

[158] Pinckaers, *The Spirituality of Martyrdom*, 8.

[159] Pinckaers, *The Spirituality of Martyrdom*, 38.

and superstitions that some hold out to him."[160] (114). According to Augustine, "the principle element defining Christian martyrdom is not the suffering that one undergoes but the cause for which one accepts it… Our suffering is not what makes us martyrs of God, but rather our justice" (Sermon 285). Pinckaers concludes,

> Thus the martyrs invite us, in our turn, to bear witness to our faith in Christ with intelligence and patience, faithfully and proudly, relying on the grace of the Spirit and on prayer more than on our own abilities and resources, whether personal or technical. [They invite us to bear witness] through every difficulty, contradiction, temptation, and humiliation that we may encounter, so that we too may prove to be good servants of divine Providence in the present world, good seeds planted in the soil of God for future harvests.[161]

Considering how the tradition of Roman Catholic moral theology envisions what it means for human beings to die and how they should imagine their own dying, I believe that the basic posture could be described as a "spirituality of martyrdom." As Rahner notes, the early Christian martyrs were recognized for the way in which they faced death openly, accepting death as an opportunity to surrender fully and unconditionally to God. They *freely* gave themselves over to it, thereby demonstrating a lived dependence upon and trust in God's justice. As Augustine notes, such a posture can define any death that is faced by the believer. We will return to the notion of martyrdom, especially as it relates to the practices of the church and the formation of Christian identity in the final chapter. It is through practices like baptism and Eucharist that one is prepared to make "obedience unto death," in the words of Rahner, the "axiological principle of one's life."

[160] Pinckaers, *The Spirituality of Martyrdom*, 114.
[161] Pinckaers, *The Spirituality of Martyrdom*, 8.

CHAPTER 4: KARL BARTH ON AGENCY-IN-DYING: ACCEPTANCE OF CREATURELY FINITUDE

§1. Introduction: Death and the Doctrine of Creation

In this chapter, we turn to the theology of twentieth-century Swiss Protestant theologian Karl Barth. We approach Barth's theology with a cluster of animating concerns. What is the understanding of human death and mortality presented here? What is the status of death and mortality within a universe understood as the good creation of a good God? Is death inherently evil—or is it only contingently so? If death is evil, what exactly is it about death that is evil? How does Barth construe the relationship between sin, guilt, and death? Each of these questions will require some attention in the pages that follow. Ultimately, however, I am particularly interested in understanding the ways in which these philosophical and theological questions inform and shape a normative ethical *stance, posture,* or *response* to death and mortality. How, according to Barth, ought human beings relate to the brute *fact* of mortality on the one hand, and to *their own* mortality on the other?

Beyond the fact that Barth was the most important Protestant theologian of the twentieth century, certainly within the Reformed tradition in which he stood, Barth's theology recommends itself for several reasons. First, despite their many differences, Barth followed Friedrich Schleiermacher in offering a self-consciously *modern* approach to theology in general and to theological anthropology in particular.[1] As we shall see, Barth was not overly concerned with offering an

[1] Of course, any invocation of the concept of "modernity" calls for some specification. In the first chapter, which dealt primarily with sociological and cultural analysis, I suggested an understanding of modernity which emphasized the three characteristics of functional rationality (also called "bureaucratic" or "instrumental" rationality), cultural pluralism, and structural pluralism (i.e., the division between public and private life). In describing Barth as a modern theologian, however, I intend to draw additional attention to the features of his thought that, while related to these three aspects, are distinct in their focus on the *philosophical* milieu and *social imaginary* within which Barth worked.

Bruce McCormack has suggested seven elements that might qualify a theologian as "modern." The five "essential" elements include: (1) the presence of "historical consciousness," which entails the "awareness that all human thinking is conditioned by historical (and cultural) location;" (2) an acceptance of the methods of modern biblical criticism; (3) a recognition of the "loss of respect among philosophers for classical [Greek] metaphysics"; (4) as well as a recognition of the breakdown of "the old Aristotelian-biblical cosmology in the course of the seventeenth century"; and, most importantly for what follows, (5) "an acceptance of the necessity of constructing doctrines of creation and providence which find their ground in the more modern theological and/or philosophical resources." The two negotiable elements include a positive orientation toward (or at least a non-rejection of) Darwinian evolutionary theory and an embrace of nonfoundationalist epistemology—or, what amounts to the same thing for McCormack, a rejection of natural theology. In McCormack's estimation, Barth qualifies as "modern" on all seven counts (see Bruce L. McCormack, *Orthodox and Modern: Studies In the Theology of Karl Barth* (Grand Rapids, MI: Baker Academic, 2008), 11). More recently, McCormack has described the transition to modern theology in the following way: "'Modern' theology emerged, in my view, at the point at which (on the one hand) church-based theologians ceased trying to defend and protect the received orthodoxies of the past against erosion and took up the more fundamental challenge of asking how the theological values resident in those orthodoxies might be given an altogether new expression, dressed out in new categories for reflection. It was the transition, then, from a strategy of 'accommodation' to the task of 'mediation' that was fundamental in the ecclesial sphere. In

apologetic response to the challenges confronting traditional Christianity in the guise of evolutionary science, Enlightenment rationalism, historical relativism, or biblical criticism, to name a few. Barth was certainly aware of these intellectual movements, taking them seriously as he formulated his own dogmatic theology, but his interest lay elsewhere than building walls to protect orthodoxy from modernity[2] or building "eternal covenants" to ensure their mutual coexistence.[3] Rather, Barth "in the end, was seeking to understand what it means to be orthodox *under the conditions of modernity*."[4]

This is especially important in light of the stark challenges modernity has presented for traditional doctrines of creation. As Katherine Sonderegger has pointed out, in the nineteenth and twentieth centuries theologians treating the doctrine of creation "could hardly speak with the confident tones of earlier eras. From the rise of modern astronomy to the carbon-dating of our earth and the development of present-day animal species, the genesis of all things from God has found itself in the midst of pitched battles over the place and cogency of Christian doctrine in an intellectual climate dominated by the exact sciences and driven by fear of them."[5] In light of these challenges, modern theology has taken up with exceptional vigor the question of the "natural"—in other words, "When God created all that is, just what is it that he made?"[6] It is axiomatic in Christian theology that creation, though marred by sin and evil, is fundamentally good. Sonderegger suggests that a "fundamental analysis of the creaturely"[7] affords us insights into which aspects of creaturely existence

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philosophy, as it relates to the theological enterprise (on the other hand), the defining moment that effected a transition entailed a shift from a cosmologically based to an anthropologically based metaphysics of divine being." See *Mapping Modern Theology: a Thematic and Historical Introduction.* Edited by Kelly M. Kapic, and Bruce L. McCormack (Grand Rapids, Mich.: Baker Academic, 2012), 3. On Barth as a "modern" theologian, see also Robert Sherman, *The Shift to Modernity: Christ and the Doctrine of Creation In the Theologies of Schleiermacher and Barth* (New York: T & T Clark International, 2005).

[2] As Barth once quipped, "Retreats behind Chinese walls never served theology well." See *The Humanity of God*, quoted in Sherman, *The Shift to Modernity*, 51.

[3] Schleiermacher had earlier declared his intention "to establish an eternal covenant between the living Christian faith and completely free, independent scientific inquiry, so that faith does not hinder science and science does not exclude faith." See Friedrich Schleiermacher, *On the Glaubenslehre: Two Letters to Dr. Lücke*, trans. James Duke and Francis Fiorenza, American Academy of Religion Texts and Translation Series 3. (Chico: Scholars Press, 1981), 64.

[4] McCormack. *Orthodox and Modern*, 17. Robert Sherman has suggested that this concern is demonstrated by the discernable influence in Barth's mature writings of both "inner" and "outer" critical norms. Though the "inner" norms of dogmatic consistency are primary and more explicit for Barth, the "outer" norms of intelligibility should not be discounted. While remaining faithful to the core insights and basic intentions of the theological tradition, Barth reconstructed the whole of 'orthodox' teaching from the ground up in a way attentive to the philosophical and theological context of modernity. See Sherman, *The Shift to Modernity*, 9. The language of "inner" and "outer" critical norms comes from B. A. Gerrish, *Tradition and the Modern World: Reformed Theology in the Modern World* (Chicago: University of Chicago Press, 1978), 7-10.

[5] Katherine Sonderegger, "Creation," in *Mapping Modern Theology: a Thematic and Historical Introduction,* eds. Kelly M. Kapic and Bruce L. McCormack (Grand Rapids: Baker Academic, 2012), 98.

[6] Sonderegger, "Creation," 100.

[7] Sonderegger, "Creation," 100. In recent years, academic theology has seen a marked uptick in interest in the doctrine of creation and in its implications for an understanding of human beings *as creatures*. This renewed attention to the doctrine of creation has multiple sources and manifestations. Some of these works are motivated by an increasing ecological consciousness, which attempts to correct for a perceived overly-anthropocentric doctrine of creation in the tradition (see,

are rightly to be lamented and which are more properly to be celebrated. This is significant for a theological understanding of death and dying. Traditional understandings of creation fairly consistently denied that God had created a world marked by death and dying, whether in the human or animal world. In a post-Darwinian world, however, it becomes impossible even for proponents of theistic evolution to deny the reality of death before the fall.[8] Death via predation, it seems, not only occurred, but was a central mechanism of human development and growth. As a distinctively "modern" theologian, Barth's answer to the question of death is especially relevant.

The second reason for turning to Barth's theology is that it expresses, borrowing a phrase from philosopher Stanley Cavell, "an acknowledgement of human limitation which does not leave us chafed by our own skin."[9] It does so through a full-throated theological articulation of the nature and significance of human finitude. Barth was not the first to consider the finitude of creaturely existence as a divine gift,[10] but he was able to affirm the goodness of creaturely finitude in a particularly clear and forceful way. It stands to reason that if we are able to appreciate how exactly Barth understood death and mortality in relation to creaturely finitude, we might place ourselves in a position to articulate an ethical stance from which to consider our own approaches to dying. Such an ethical vision of the goodness of finitude provides powerful critical leverage over against what was described in the first two chapters as the "Baconian Project" in modern medicine.

The main elements of Barth's view of human mortality can be found in the following quotation, found near the end of Barth's treatment of theological anthropology. Barth holds,

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e.g., David Clough, *On Animals: Volume 1 Systematic Theology* (London: T & T Clark, 2012), xx; Richard Bauckham, *Living with Other Creatures: Green Exegesis and Theology* (Waco: Baylor University Press, 2011)). Some are written from a related concern to incorporate the latest insights of evolutionary science into theological anthropology (see, e.g., Celia Deane-Drummond, *Christ and Evolution: Wonder and Wisdom* (Minneapolis: Fortress Press, 2009); Celia Deane-Drummond and David Clough (ed.) *Creaturely Theology: On God, Humans and Other Animals* (London: SCM Press, 2009); Stephen Moore (ed.), *Divinanimality: Animal Theory, Creaturely Theology* (New York: Fordham University Press, 2014)). Feminist theology and disability literature have also turned attention toward the importance of embodiment and vulnerability (see, e.g., Deborah Beth Creamer, *Disability and Christian Theology: Embodied Limits and Constructive Possibilities* (Oxford: Oxford University Press, 2009)). Others are driven by dogmatic and exegetical concerns (see, e.g., David H Kelsey, *Eccentric Existence: a Theological Anthropology.* Volume 1 (Louisville: Westminster John Knox Press, 2009); Jürgen Moltmann, *God In Creation: an Ecological Doctrine of Creation: the Gifford Lectures 1984-1985* (London: SCM, 1985)).

[8] See Ronald E. Osborn, *Death Before the Fall: Biblical Literalism and the Problem of Animal Suffering* (Downers Grove: IVP Academic, 2014).

[9] This phrase was originally applied to Barth's theology by Fergus Kerr. See *Immortal Longings: Versions of Transcending Humanity* (Notre Dame, Ind.: University of Notre Dame Press, 1997), 23-24.

[10] Summing up the view of second-century church father Tatian, church historian Jaroslav Pelikan goes so far as to refer to "the gospel of death [that] announces to men the gracious message that they will die once and for all" and to claim "The message of the church to the Greek world, then, is: Accept the arc of existence and be conformed to the shape of death!" See *The Shape of Death: Life, Death, and Immortality in the Early Fathers* (Westport: Greenwood Press, 1978), 20, 25.

> If hope in Christ is a real liberation for natural death, this rests on the fact that by divine appointment death as such belongs to the life of the creature and is thus necessary to it. Adamic man was created a *psuchen zosan* (1 Cor 15:45), and therefore a being which has only its own span of time. His definitive relationship to God as the end and goal of human life demands that this life itself should be defined and therefore limited. On this limit there is made in its favour the divine decision which is the substance of the New Testament message of salvation. On this limit it was made in the life of the man Jesus. He had to die, to submit to the judgment of God and thus restore the right of God and that of man. "Except a corn of wheat fall into the ground and die, it abideth alone; but if it die, it bringeth forth much fruit" (John 12:24). We cannot try to love and maintain finally and absolutely our life in this time; otherwise we shall lose it. We must give it up in order to save it (Matt 16:25)… If we did not have to do with the definitive end of human life, we should not have to do with its resurrection and definitive co-existence with that of God… we are invited to accept the limit of the life which He has rescued, and therefore to acquiesce in the fact that we must have an end, and to set our hope wholly and utterly in Him (*CD* III.2, 639).

In a move that many would contest on theological or exegetical grounds, Barth is willing to call death "natural," and to affirm its belonging to the creaturely existence of the human being. At the same time, however, Barth suggests that a "real liberation" must take place for the naturalness of death to become a possibility. Mortality, the fact that life should have an ending, is described as an expression of the fundamentally temporal nature of human existence. It is also described as a "necessary" precondition of both the covenantal relationship between God and humanity and the saving work of Jesus Christ. All of this leads to a definitive posture toward dying. One should not grasp at life as if it were the only good, but rather accept life's limit as a way of expressing one's trust in God.

In what follows, I will unpack each of these aspects of Barth's understanding of death and dying. Though Barth opens up possibilities for affirming the finitude of human life, he does not evade the harshness and apparent evilness of death. In the next section (§2.) I will consider whether and to what degree Barth considers death to be an evil. The answer to this question is complicated by the fact that both "death" and "evil," in Barth's usage, are terms that must be considered dialectically. Barth makes a distinction between death "as it meets us" (what I call Empirical Death) and death as the natural limit to life (what I call Natural Death). Barth also makes a distinction between "Nothingness" (i.e., *das Nichtige*, Barth's preferred term for evil), which only exists as that which is definitely rejected by God, and the "shadow-side" of creation, that which is sad and difficult, but nevertheless belongs to the goodness of the world. After explaining why Empirical Death belongs to *das Nichtige* and is therefore wholly evil, I will turn (in §3.) to explain how Christ's death frees human beings for Natural Death and how, correlatively, death becomes an instrument of divine grace. I will

then (§4.) return to the concept of Natural Death, explaining in greater detail its biblical roots, as well as its implications for theological anthropology. I will show how Barth sees Natural Death as a precondition of certain creaturely goods, including temporality, historical particularity, and subjectivity. I will then conclude the chapter (in §5.) by considering the ethical implications of Barth's understanding of death and mortality. I will argue that the human being who recognizes the gift of creaturely finitude will be ready to embrace a form of "passive-agency" which gives itself over in dependence and trust, as Christ demonstrated in his own death.

§2. Taking Death Seriously… (But Not Too Seriously)

§2.1. Death as Evil: Sin, Guilt, and Judgment

If Barth finds a way to accept and even affirm the limited and mortal nature of human existence it is not because he fails to take death seriously. In fact, Barth adamantly argues that death must be seen for what it is. In death we face "the abyss of our negation" (*CD* III.2, 588). There is no downplaying death's totality and utter finality (cf., 2 Sam 14:14; Job 7:9; Job 16:22). "When we die, all things and we ourselves come to an end" (*CD* III.2, 588). Barth repeatedly denies that death is merely the transition of the soul from a bodily to a body-less state as a merely pagan wish. "Whatever existence in death may mean, it cannot consist in a continuation of life in time. One day we shall have had our life… We shall one day *have been*" (*CD* III.2, 589, emphasis added). In Old Testament terms, if we may speak of one's "existence" in Sheol, it can only be an existence of a faint and shadowy sort. One cannot speak of death merely in terms of a benign "limitation" (though we will see we must also speak of death this way), but must acknowledge death as an "alien," "menacing," and "potent force" (*CD* III.2, 590), which confronts us all "as an incomprehensible, inexplicable and unassailable reality" (*CD* III.2, 588).[11] This is why the Old Testament uses the images of the grave, the ocean, and the wilderness to evoke death. These are the three "non-worlds" that confront humankind as the border and limit of the space of the living. They also metaphorically represent the "chaos" that opposes God's ordering of creation (*CD* III.2, 591). Death, understood as a menacing chaotic force, even infringes on life in

[11] Notably, Barth sees, precisely in the way that Sheol represents the ultimate limit of humankind which is nevertheless also the realm of God's sovereignty (cf., Psalm 139:8), an analogy between death and the biblical language of "heaven" (*CD* III.2, 588, 590). On Barth's interpretation of "heaven and earth," see *CD* III.2, 14ff.

the form of sickness, cursedness, and loneliness. As these examples show, the Old Testament recognizes death as a force which opposes and resists life.

That death opposes life is reason enough to consider it an evil, but to understand the real evil of death, according to Barth, we must consider it under a covenantal perspective. In the Old Testament the truly threatening thing about Sheol is the way in which it completely cuts one off from the land of the living, from the worshipping community, and from God (see Psalm 6:3; 30:9; 115:17; 88:11ff; Isaiah 38:18ff): "the worst thing about death, the really deadly thing about it, is true already here and now, namely, that man can no longer see God, or worship Him, or praise and adore Him. Man is no longer present before God and for Him. He is forsaken by God. God is no longer his Comforter, Helper, Avenger, and Saviour" (*CD* III.2, 592). The evil in death is that it threatens the divine covenant between God and humanity with "relation-less-ness." We will have more to say about this presently, but first let us note one obvious point. Barth claims that this threat of relation-less-ness "is true already here and now" because of sin, the essence of which, for Barth, is a human rejection of the grace of the covenant God. There is, then, a connection between sin, guilt, and death. As sinners, we are guilty and deserve judgment—and it is this guilt that makes death so terrifying, for the moment of death seals our guilt as it is, and therefore concludes our life as, finally, a sinful one. Death is the "seal and fulfillment of man's negation" (*CD* III.2, 625) because the God who confronts us at our death "can only justly affirm" the negation that we have already chosen for ourselves. "It is the relation of our life and death to God which explains why death is an evil. This relation explains death as the sign of the divine judgment under which we are placed" (*CD* III.2, 626).

Barth is adamant that *this* death, the death of the sinner under the judgment of God, is most decidedly not natural. Recalling Sonderegger's notion of a "fundamental analysis of the creaturely," we would have to answer in the starkest negative terms that "death as it actually meets us" (*CD* III.2, 597) is "not a part of man's nature as God created it" (*CD* III.2, 600), but rather "the great mark of the unnatural state in which we exist" (*CD* III.2, 601).[12] From this conclusion, let us make two observations. First, what is unnatural is not the fact that life is temporally limited, that it will one day

[12] Barth cites a litany of New Testament passages to this effect, including Romans 5, 6:23, 7:9, 8:13; 1 Corinthians 15; Hebrews 2:14; James 1:15; Galatians 6:8; and 1 John 3:14. Barth is especially critical of the view, gaining some traction in his time, that the Old Testament—as opposed to the New Testament—considers death to be "natural" or "normal." Against this view Barth claims "what is natural to [the human being] is life, not death. Death, on the other hand, is the epitome of what is contrary to nature. It is not, therefore, normal" (*CD* III.2, 598). Barth's opposition on this point is somewhat puzzling, given that he later appeals repeatedly to the Old Testament to demonstrate a form of death as man's natural end (see, e.g., *CD* III.2, 634 ff.). As we shall see, Barth does not deny the possibility of a natural death, but rather desires to hold such a view in dialectical tension with death "as it encounters us."

come to an end. Rather, the unnatural thing is the sinful state of existence that is sealed at the moment of death and which merits divine judgment. Second, when Barth speaks about the death of the sinner, he quite often qualifies it with a phrase like "as it actually meets us" (CD III.2, 597) or "as it actually encounters us men" (*CD* III.2, 596). This phrase is one of the keys to interpreting Barth's understanding of human dying. We might call the death of the sinner *de facto* death, or, following G.C. Berkouwer, "empirical death."[13]

§2.2. Empirical Death

"Empirical," here, it must be noted, does not mean "inferred from general experience." It is not a matter of inductive reasoning. As a thoroughly Christological thinker, Barth's theological inferences always run from Christ to the world rather than from the world toward Christ.[14] Barth's understanding of creation—and especially his "doctrine of man" (i.e., theological anthropology)—takes Jesus Christ to be "the one point at the centre [sic] of creation where the Creator-creature relationship is revealed."[15] "The nature of the man Jesus alone is the key to the problem of human nature… He alone is primarily and properly man" (CD III.2, 43).[16] Barth repeatedly warns against presuming "abstract" knowledge about the world or about the human being which may be had apart from the event of revelation in Jesus Christ.[17] In fact, at one point Barth suggests, in semi-cartesian fashion, that it is not

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[13] See, e.g., G. C. Berkouwer, *The Triumph of Grace in the Theology of Karl Barth* (London: Paternoster Press, 1956), 155: "We certainly cannot say of this *empirical* death which we know that it belongs to God's creation and therefore to our *good* human nature. On the contrary, it is a *negative* power, an *evil*… The empirical end of man is not the same as the natural end of man. It is, rather, the end of 'untruthful existence.'"

[14] I am here paraphrasing Kathryn Tanner, "Creation and Providence," in *Cambridge Companion to Karl Barth*, ed. John B. Webster (Cambridge: Cambridge University Press, 2000), 111. What I mean by this phrase is that Barth believes that true knowledge of God—and therefore true (rather than superficial) knowledge of the human being—always begins with Jesus Christ, rather than experience, nature, or common sense.

[15] This is quotation in from the editors' preface to *CD* III.2. The editors continue: "Whatever else may be said about creation rests on what is said explicitly about the relationship of God and man… only from this standpoint can theology speak of the rest of creation" (*CD* III.2, vii). In his own preface to the same volume, Barth claims recognizes the radical nature of his Christological understanding of creation and the creature, which "deviates even more widely from dogmatic tradition than in the doctrine of predestination in [CD II.2]. None of the older or more recent fathers known to me was ready to take the way to a *theological knowledge* of man which I regard as the only possible one" (*CD* III.2, ix, emphasis added).

[16] Barth makes it clear that "the choice of this point of departure means nothing more nor less than the founding of anthropology on Christology" (*CD* III.2, 44).

[17] Barth's doctrine of creation beings with a strong reminder: "I believe in God the Father, creator of heaven and earth" is a *creedal* statement, and, as such, must be understood as an article of *faith* (*CD* III.1, 3). That God is the creator of heaven and earth and of humankind is not a fact that can be deduced from our everyday experience. Nor may it be considered a logical *a priori*. Barth takes aim at "the disciples of Schleiermacher" (*CD* III.1, 8), who claim that experience provides sufficient evidence for conclusion that God is the "Whence" of the feeling of "absolute dependence."

even self-evident that the world as we experience it actually and truly *is* (*CD* III.1, 5).[18] The problem with making conclusions about God and the world from general experience is the following: what is formally true and in line with church teaching is "understood as a conception of man, who in this statement *informs himself* both about himself and also about the rest of the world, and whose task it is as these theologians see it, to give himself this information" (*CD* III.1, 9).[19] To speak, e.g., of a "world cause" or a "Whence of the feeling of absolute dependence" is not to speak of the God of the Old and New Testaments, but of a product of the human mind which, as such, can only be a No-God.[20] For Barth, the way we take to reach God determines the god we reach, or whether God is reached at all: "Every short-cut leads elsewhere than to the God who created heaven and earth" (*CD* III.1, 12).

In line with Barth's theological epistemology, therefore, we would do well to remember that even Barth's notion of "empirical death" is Christologically determined: it is not an observation from experience, but is rather revealed in and by the Word of God. Perhaps unsurprisingly, then, it is to the death of Jesus Christ that we should look for insight into the nature of empirical death. That death is empirically the sign of judgment is revealed ultimately in the fact that Jesus died on our behalf and suffered death as the actual judgment of God. Barth notes that three divine "decisions" were declared in the death of Jesus. The first has to do with death's universality. According to Barth, the crucifixion of the God-man shows "there is no human greatness and grandeur which is not exceeded, overshadowed and fundamentally called in question by death" (*CD* III.2, 602). The messiah, if he is to be fully human must be "as helpless in the face of death as any other man" (*CD* III.2, 602). If there is to be deliverance from death it "cannot be deliverance from before it but only deliverance from out of it" (*CD* III.2, 602). The second divine decision has to do with the threat of eternal corruption,

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[18] Why such seemingly radical epistemological uncertainty? Here we see, nearly twenty years later, a nearly identical form of reasoning to that exhibited by Barth in *Romans* II. Barth is very much concerned about protecting God's *subjectivity* in the act of revelation. By making the Creator God a postulate of experience and feeling, one reverses the relationship between Creator and creature and makes God into an *object*. As with *Romans* II, however, it is vitally important to remind ourselves that Barth is actually not a skeptic about knowledge of God and creation: the very first article of the creed is an affirmation of such knowledge! Barth's point is about the order of knowing, not the order of being. One can say a true thing in an untrue way.

[19] For Barth's (in)famous row with Brunner on the topic of natural theology, see *Natural Theology: Comprising "Nature and Grace by Professor Dr. Emil Brunner and the reply "No!" by Dr. Karl Barth* trans. Peter Fraenkel (London: The Centenary Press, 1946). For an exceedingly helpful introduction to the debate, see George Hunsinger, "The Yes Hidden in Barth's No to Brunner: The First Commandment as a Theological Axiom," in *Evangelical, Catholic, and Reformed: Doctrinal Essays on Barth and Related Themes,* 85-105 (Grand Rapids: Wm. B. Eerdmans Publishing Co., 2015).

[20] Schleiermacher had long ago claimed, in his *Glaubenslehre,* that God is the absolutely transcendent creator of the world. Human beings (as part of a system-of-nature in relation to which they are relatively free and relatively dependent) recognize God as that One upon whom they (along with the rest of the system-of-nature to which they belong) are *absolutely dependent* (§4.4). Because God's causality is eternal and omnipresent (i.e. not conditioned by time or space, cf. §§52-53), all impulses that come to us through the system-of-nature can excite within us the feeling of absolute dependence, which is also referred to as the God-consciousness (§59). See Friedrich Schleiermacher, *The Christian Faith* (Philadelphia: Fortress Press, 1976).

which Jesus actually suffered—as the Apostles' Creed says: "he descended into hell." According to Barth, apart from the cross of Christ, we would not know the extent of the punishment merited by our sinful existence. Hell is an eminently New Testament concept, an intensification and clarification of what was only suggested in the Old Testament under the guise of Sheol.[21] The third divine decision regards the connection between sin and death. That Jesus Christ died for us (*pro nobis*) reveals that "death is the goal which is the appropriate reward for the life of man as it is actually lived" (CD III.2, 606). Death, as the sign of God's judgment, declares a No against sinful human existence, more strongly than any existentialist No (Heidegger and Sartre's no's are "always too human"). But it can only say this because it views death from its center in the death of Jesus Christ, which is the standpoint of salvation. Therefore, "those who know that they are preserved cannot forget, but genuinely to be preserved must always keep before their eyes what it is they have been preserved from" (*CD* III.2, 606).

§2.3. Nothingness and Shadow

Is death evil? To answer this question we need to clarify terms. Just as "death" cannot be understood, according to Barth, simply from general experience, neither can "evil." In Barth's estimation, if we begin with what we believe to be a general experience of evil, we are likely simultaneously to fail to take true evil seriously enough, and to mistakenly identify many phenomena as evil which simply are not so. In this section I will treat two paragraphs from different part-volumes of Barth's doctrine of creation that cohere in their affirmation of the essential goodness of creation and their denial of a dualistic understanding of evil. The importance of these sections for Barth's understanding of mortality is that each makes a distinction between evil, which is wholly opposed to the will of God and only exists as that which is overcome by God, and creation's "shadow-side," which is distinct from evil insofar as it is positively willed by God. Human mortality, especially physical and biological mortality, as miserable and terrible as it is, belongs to the shadow-side of creation. It is not wholly evil. What is evil, according to Barth, is the spiritual death which results from the wholly-deserved judgment of God upon sinful humanity. Death in "God-abandonment" belongs to *das Nichtige*, the chaos, which exists only as that which is denied by God.[22]

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[21] On Barth's doctrine of Christ's descent into Hell, see David Lauber, *Barth On the Descent Into Hell: God, Atonement, and the Christian Life* (Burlington: Ashgate, 2004).

[22] Genesis 1 also describes creation in terms of God setting a definite limit to the "chaos." Barth affirms, in principle, the doctrine of creation *ex nihilo*, and the resulting implication that all that has been created by God is good and ordered

Barth begins the section entitled "The Yes of God the Creator" (§ 42) with the claim that "The work of God the Creator consists particularly in the benefit that in the limits of its creatureliness what He has created may be as it is actualized by Him, and be good as it is justified by Him" (*CD* III.1, 330). Creation, ordered as it is toward the fulfillment of the covenant of God with humanity accomplished in Jesus Christ (*CD* III.1, 332), can only rightly be understood as a "benefit" or "blessing" (*Wohltat*). Barth leaves no ambiguity: "God the Creator did not say No, nor Yes and No, but Yes to what He created" (*CD* III.1, 330), and this Yes includes "the limits of… creatureliness." For Barth, the blessing of creation (*Schöpfungswohltat*) consists both in its "creaturely existence" (*Geschöpfliche Existenz*)(*CD* III.1, 345) and its "creaturely goodness" (*Geschöpfliche Güte*)(*CD* III.1, 366). First, creation is a benefit by virtue of God's making it into an actual reality—what Barth refers to as creation's "actualization" (*Verwirklichung*)—as opposed, say, to an illusion or a dream. It is a blessing that there is a reality distinct from God, "in its own creaturely mode, conditioned and determined by its dependence on the being of the Creator" (*CD* III.1, 344), and that this reality "really *is*, that it is not not" (*CD* III.1, 344). "Creaturely existence" (*geschöpfliche Sein*) is itself a divine benefit.

Creation, however, does not "merely exist." It is affirmed by God as "good" (Genesis 1:31). God does not simply give reality to creation, but also justifies (*rechtfertigt*) it "without reservation or qualification" (*CD* III.1, 366). Here Barth introduces a key distinction between "two contradictory aspects" (*CD* III.1, 375) within creation. On the one side, there is all that is beautiful and pleasant and sweet, all that rightly calls forth a joyous and grateful response. This is creation's "brighter side" (*CD* III.1, 370) and it is easy to see why such things would be worthy of divine affirmation. The justification of creation, however, is "not bound up with this brighter side" (*CD* III.1, 370). Just as there is an element within creation in the face of which joyous laughter is the most appropriate response, there is also an element of creation that rightly calls for weeping and lament (*CD* III.1, 373). This is creation's "shadow side." Barth does not specify exactly what sorts of experiences and phenomena belong to this shadow side, but does not hesitate to use terms such as "need," "peril," and "misery" to describe

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towards God's good purposes (*CD* III.1, 99-100). He rejects the idea that God first created "chaos," only to later shape it into orderly creation. The "formless and void" (Gen 1:2) "can have reality only as that which by God's decision and operation has been rejected and has disappeared…" (*CD* III.1, 102). "Chaos," insofar as it exists, does so only as a "possibility negated and rejected by God" (*CD* III.1, 109). Discussing Genesis 1:3-5, Barth notes something puzzling in the text—namely that God both creates and names "light," but God only names "darkness" (i.e., "night"). Nowhere does it say that God *created* darkness. This does not mean that the darkness presents a formidable challenge to the light, or to the God who created light. No—the God who is "the Creator of light is also the Lord of darkness. The fact that darkness, and the chaos which it represents, is not His creation does not mean that it has escaped or evaded Him" (*CD* III.1, 126).

it. Nevertheless, Barth claims, the shadow side of creation stands with its brighter side under the justifying "Yes" of God the Creator, and is therefore a benefit.

Barth's understanding of *das Nichtige* is basically Augustinian (evil as a deficiency that is parasitic on the good), but his actualistic ontology shifts his account in a more historicist and Christological framework.[23] Instead of a "great chain of Being," Barth's dominating metaphor is that of "covenant." It is the covenant of God with humankind enacted in Jesus Christ that forms the basis for Barth's holding together of the "brighter side" and the "shadow side" of creation under the divine Yes. "For in [Jesus Christ] God has made Himself the Subject of both aspects of creaturely existence. And having made it His own in Jesus Christ, He has affirmed it in its totality, reconciling its inner antithesis in His own person" (*CD* III.3, 296). Barth's supralapsarian Christology means that creation as a whole is always already ensconced by and enveloped within the saving will of God—in both beauty and tragedy, harmony and dissonance, brightness and shadow.[24] Barth also departs from

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[23] Barth had a marked preference for temporal and historical language over against the more "substantialist" language typical of Greek metaphysical thought. As Eberhard Busch explains, for Barth, God "*is*," but "his being is not a special case within a general concept of being… Nor is his being static, so that his activity would be something external and over against him, which he could do without" (*The Great Passion: An Introduction to Karl Barth's Theology*, trans. Geoffrey Bromiley. Eds. Darrell L Guder and Judith J. Guder (Grand Rapids: William B. Eerdmans Publishing Co., 2004), 47). Thus, Barth's "actualism" refers to his refusal to consider essence (whether divine or human) apart from act. Further, for Barth the fundamental act that forms the ontic basis for all we can know about God is God's covenantal relationship with humanity which occurs in the person (i.e., history) of Jesus Christ. Therefore, not only God and humankind, but also their *relationship* must be described in actualistic terms. In the words of George Hunsinger, "Negatively [actualism] means that we human beings have no ahistorical relationship to God, and that we also have no capacity in and of ourselves to enter into fellowship with God. An ahistorical relationship would be a denial of God's activity, and an innate capacity for fellowship would be a denial of God's sovereignty. Positively, therefore, our relationship with God must be understood in active, historical terms, and it must be a relationship given to us strictly from the outside… Our relationship to God is therefore an event" (*How to Read Karl Barth: The Shape of His Theology* (New York: Oxford University Press, 1991), 31). The issue of the possible implications of Barth's actualism for his understanding of divine ontology (i.e., the being of God) is a matter of considerable and vigorous debate in Barth studies. See, e.g., Bruce L. McCormack, "Grace and Being: The Role of God's Gracious Election in Karl Barth's Theological Ontology," in *Orthodox and Modern;* and George Hunsinger, *Reading Barth with Charity: A Hermeneutical Proposal* (Grand Rapids: Baker Academic, 2015).

[24] Consistent with his revision and amplification of the doctrine of election (cf., *CD* II.2), Barth's doctrine of creation exhibits a strongly supralapsarian character. Though Barth does not use the old scholastic Calvinistic language of the "order of decrees," it is clear that Barth understands creation to be always already ordered toward the reconciling activity of God fulfilled in Jesus Christ. (It is not of minor significance, however, that Barth replaces the decree "to save some and condemn others" with the "double predestination" of Jesus Christ for crucifixion and resurrection. God does not say "Yes" to one group of people and "No" to another group of people. Rather, God says "No" to human sin and evil in the crucifixion of Jesus and God says an irrevocable "Yes" to humanity in the resurrection of Jesus from the dead. As Joseph Mangina puts the matter, "in Christ, God chooses death for himself and life for us. God loses in order that we might win." See, *Karl Barth: Theologian of Christian Witness*, 71.) Edwin Christian van Driel argues that Barth's theology is "supralapsarian" not only with reference to the ordering of divine decrees (i.e., the decree to elect some for salvation precedes the decree to allow human beings to "lapse" into sin), but also with reference to the incarnation itself: "Divine predestination is not a first step in a divine response to sin and neither is the incarnation … God's election of Christ's human nature is thus the first action in the divine relating to what is not God" (67-68). Again: "At the heart of Barth's supralapsarianism lies … his reading of the biblical narrative as a narrative of election. Election is an eschatological category; and the eschaton is the first in order of the divine decrees. Object and subject of these decrees is Jesus Christ – not the Son as λόγος ασαρκος the preincarnate Word, but the Son as Jesus Christ, the incarnate Word. The incarnation stands thus at the very beginning of

Augustine insofar as "Nothingness" (*das Nichtige*) names something beyond mere privation. "Nothingness is not nothing… it *'is'* nothingness (*CD* III.3, 349, emphasis added). Like Augustine's privation account (*CD* III.3, 318), the "nothingness" has no independent ontological foundation or reality (*CD* II.2, 170-1), but Barth is willing to say that it "exists" as that which opposes God, and as that which is finally rejected by God with "an absolute an uncompromising No" (*CD* III.3, 292).

To say creation is actualized and justified by God, then, is to say that it is made to be what it is, and that "what it is" is declared to be good because it is ordered eschatologically toward the goal of the covenant.[25] All of creation stands under the two-fold determination of brightness and shadow. The positive side says, "God created man to lift him in His own Son into fellowship with Himself" (*CD* III.1, 376). The negative side speaks of the "clear need and peril of the creature before [God] (for otherwise how could it be so exclusively referred to His lordship and help in the covenant, and to reconciliation with God in the person of His Son?)" (*CD* III.1, 376). Because God's covenant transcends these "two contradictory aspects" (*CD* III.1, 375), it confirms both without being "exhausted" by either, unifying them in a totality by taking the creaturely contradiction to Himself. Barth makes the connection with mortality explicit: "Primarily and supremely [God] has made [the contradiction of creation] His own, and only then caused it to be reflected in the life of the creature… Before life greeted us and death menaced us, He was the Lord of life and death, and bound them both in a bundle" (*CD* III.1, 380).[26] Because "the joy and the misery of life have their foundation in the will of God" (*CD* III.1, 376), one should not wish "to elude the shadow" entirely, for to do so would be to deny what God has affirmed.

There is an aesthetic quality to Barth's argument. Consider, for example, how Barth describes his overwhelming appreciation of the music of Wolfgang Amadeus Mozart,[27] who

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God's relating to what is not God" (81). *Incarnation Anyway: Arguments for Supralapsarian Christology* (Oxford: Oxford University Press, 2008), esp. 63-117. Cf., *CD* II.2, 133-145.

[25] Thus, Barth, "The only thing which can be better than creaturely existence [*geschöpfliche Sein*] is the goal of the covenant for which the creature is determined in and with its creation. But in the order of created existence as such there can be nothing better than what it is. What is by God and is thus well pleasing to God… is for this reason not only good, but very good, perfect…its future glorification presupposes that it is already perfectly justified by the mere fact of its creation" (*CD* III.1, 366).

[26] In its totality, then, creaturely existence is good under this double determination. But it must also be said that God "pronounced the Yes and No with differing emphases. He took to His own heart very differently in Jesus Christ the infinite hope of the creature and its infinite peril" (*CD* III.1, 383). "The No is not said for the sake of the No but for the sake of the Yes. We cannot stop at the suffering, death and burial of Jesus Christ. This is not a final word. The cross is followed by the resurrection, humiliation by exaltation, and the latter is the true, definitive and eternal form of the incarnate Son of God… Christ dieth no more. He lives eternally" (*CD* III.1, 384).

[27] Barth once claimed that upon arriving in heaven he would seek out the great theological saints (Augustine, Aquinas, Calvin) only after sitting at Mozart's feet. "It may be," he wrote, "that when the angels go about their task of praising God, they play only Bach. I am sure, however, that when they are together *en famille*, they play Mozart and that then too our dear

> knew something about creation in its total goodness… [Mozart] heard the harmony of creation to which the shadow also belongs but in which the shadow is not darkness, deficiency is not defeat, sadness cannot become despair, trouble cannot degenerate into tragedy and infinite melancholy is not ultimately forced to claim undisputed sway. Thus the cheerfulness in this harmony is not without its limits. But *the light shines all the more brightly because it breaks forth from the shadow*. The sweetness is also bitter and cannot therefore cloy. *Life does not fear death but knows it well* (*CD* III.3. 298, emphasis added).

In short, Mozart's music is beautiful because it is *true*, and it is true for two reasons: First, it neither ignores nor evades the difficult and unhappy aspects of creaturely existence. Mozart's genius lie in his ability to "translate into music… real life in all its discord."[28] As beautiful and pleasing as harmony may be, harmony without dissonance would be "cloy," hollow, and boring—the musical equivalent of a Thomas Kinkade painting.[29] Second, however, Mozart understood that refusing to ignore dissonance does not meaning holding it in equilibrium with consonance and resolution. "What occurs in Mozart is rather a glorious upsetting of the balance, a turning in which the light rises and the shadows fall, though without disappearing, in which joy overtakes sorrow without extinguishing it, in which the Yea rings louder than the ever-present Nay."[30] For all of these reasons, Barth affirms Mozart's music as a "parable of the kingdom."[31]

The shadow, however, must be sharply distinguished from evil, which Barth calls *das Nichtige*.[32] In contradistinction to the former, the latter cannot be understood as beautiful or good in any way.[33] *Das Nichtige* does not refer to the necessary limitations that accompany creaturely existence, and which

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Lord listens with special pleasure." See, Karl Barth, "Wolfgang Amadeus Mozart," in *Wolfgang Amadeus Mozart* (Eugene: Wipf & Stock Publishers, 1986). It is also said that late in life Barth experienced a mystical vision of Mozart gazing at him during a performance.

[28] Karl Barth, "Wolfgang Amadeus Mozart," in *Wolfgang Amadeus Mozart*, 33.

[29] Kinkade, the self-described "Painter of Light," despite enjoying enormous commercial success (and perhaps because of it), was roundly rejected by the world of high-art—often described as "sentimental," "garish," or "kitsch." The paintings, through which Kinkade hoped to portray the beauty of a pre-fall reality, almost literally ignore and evade shadow and darkness. Viewed in light of his drug and alcohol-induced death (on Good Friday no less), some might interpret Kinkade's aesthetic sensibilities as hypocritical, inauthentic, or even deceptive. Theologically, however, it may also be the case that Kinkade's paintings need to be reevaluated as a deeply-ironic depiction of the true hopelessness of a *Weltanschauung* which does not recognize the shadow-side of creation.

[30] Barth, "Mozart's Freedom," in *Wolfgang Amadeus Mozart*, 55-56.

[31] Barth, "Mozart's Freedom," in *Wolfgang Amadeus Mozart*, 57.

[32] On Barth's account of evil as "nothingness," see Richard E. Burnett (ed), *The Westminster Handbook to Karl Barth* (Louisville: Westminster John Knox Press, 2013): 68-69; John C. McDowell, "Much Ado about Nothing: Karl Barth's Being Unable to Do Nothing about Nothingness," *International Journal of Systematic Theology* 4:3 (2002): 319-335; Rosemary Radford Reuther, "The Left Hand of God in the Theology of Karl Barth: Karl Barth as a Mythopoetic Theologian," *Journal of Religious Thought* 25 (1968-9): 3-26; Nicholas Wolterstorff, "Barth on Evil," *Faith and Philosophy* 13 (1996): 584-608.

[33] *Contra* John Sanford (*Evil: The Shadow Side of Reality* (New York: Crossroad, 1981), 51), who claims that evil "contains many valuable qualities that can add to our life and strength if we are related to them in the right way." To this, Barth could only say *Nein!*

are therefore to be accepted as the shadow that makes the light all the more appealing.[34] According to McDowell, "Barth rejects theodicies in which evil and sin are worked into the whole system (either dualistically as necessary antitheses, or monistically in order to contribute to the good), and therein entail that these become necessary and/or even good (*CD* IV.1, 374-87)."[35] *Das Nichtige* names that which God conclusively opposes and rejects in the creation and redemption of all that is. *Das Nichtige* is an "alien factor" (*CD* III.3, 289), "a real enemy" (301) and an "adversary with whom no compromise is possible" (302).

It is important to recognize that Barth does not develop a "doctrine of evil," for the task of dogmatics is the proclamation and explication of the *gospel*. Theology does not dwell on evil in the abstract, but rather witnesses to the "Creator, creature and their co-existence, and the intrusion upon them of the undeniable reality of *das Nichtige*" (III.3, 365).[36] Because the proper focus of theology is precisely on Christ's *victory* over evil, the Christian rightly views evil as that which is opposed by God, as that which God rejects. In the words of Joseph Mangina, "Barth concentrates God's permission of evil at creation and his triumph over it into a single event, and in such a way that the triumph precedes the permission. That is, evil has no other 'reality' than that which derives from its pre-emptive negation."[37]

At this point we may return to the question of "whether and how far we have to understand the finitude of our allotted time, and death as the termination of human life, as a determination of the divinely created and therefore good nature of man" (*CD* III.2, 596). Is the death of the human being an expression of the power of "nothingness" (*das Nichtige*), of the evil chaos that can only be rejected and overcome by God in Christ, or does it belong to the shadow-side of creation, a sad and lamentable but nevertheless good and appropriate feature of creaturely existence? The answer is, it depends what one means by "death." There are indeed moments in his treatment of evil (i.e., §50. "God and

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[34] Barth is clear that the *aetiology* of *das Nichtige* cannot be sought "in the non-divinity of the creature" (*CD* III.3, 349). See. McDowell, "Much Ado about Nothing," 326.

[35] "Much Ado about Nothing," 324.

[36] It is for this reason that Barth hesitates to offer an account of demonology, or to discuss Satan at length. The devil must not be given more than his due. In response to a criticism leveled at him by Gustav Wingren ("In Barth's theology, there is no active power of sin and tyrannical power of perdition holding man in bondage and overcome by God in His world of salvation. There is thus no devil"), Barth replied: "The devil certainly exists and is at work. We have to reckon with him. We cannot possibly recount the history of the prophecy of Jesus Christ without thinking of him… [But t]hinking and speaking about the devil can only result—except when we have a handy ink-pot to throw at him—in our turning our backs on him; and Luther would sometimes have used a much more expressive gesture. Time should not be devoted to considering, contemplating or conceiving of the devil, or to concrete interest in him, for he is not worthy of it. He cannot really be given a proper place or *locus* in theology, just because he has to be reckoned with so seriously… Believing in God and not in him, theology bids him an immediate "depart!" This is how he is treated in the Bible." (*CD* IV.3.1, 260-261).

[37] Mangina, *Karth Barth: Theologian of Christian Witness*, 101.

Nothingness") where Barth seems to indicate that death is best understood as an expression of *das Nichtige*.[38] As "the intolerable, life-destroying thing to which all suffering hastens as its goal, as the ultimate irruption and triumph of that alien power which annihilates creaturely existence and thus discredits and disclaims the Creator" (*CD* III.3, 312), death is utterly evil. What Barth calls "real death" in his treatment of evil is "empirical death," the death of the sinner. When Barth speaks of "*real* death"—as when he speaks of "real sin" and "real evil"—he refers explicitly to that which is "in opposition to the totality of God's creation" (*CD* III.3, 310). Barth distinguishes this "real death," however, from the "mere matter of dying as the natural termination of life" (*CD* III.3, 312).[39]

§3. Death as a Form Grace Takes

§3.1. Death as the Sign of Judgment

But here another question arises. How is it that Barth can speak of a form of death that is in no way "empirical" for us? If death is the sign of divine judgment, and if this judgment even fell upon the Messiah, what business have we speaking about a natural death? Barth admits that this other form of death remains "unfathomably and inaccessibly concealed beneath the unnatural and even anti-natural guise in which it now comes to us" (CD III.2, 598). Nevertheless, Barth claims that death may also be understood as the natural limit of human life. This conclusion is not made on the basis of general experience, but rather on the basis of the covenant which is revealed and realized precisely through the death of Jesus Christ (*CD* III.2, 614).

In the death of Jesus Christ, God executed a negative judgment upon the human being as sinner. *As sinners*, we rightly fear death because we fear judgment. It is a terrible thing to fall into the hands of the living God. From this Barth concludes that what we rightly fear in death is not death itself but God. Critically, however, this God who confronts us in death is not an "abstract concept of deity" but rather the God who "has graciously undertaken to suffer the judgment of death in the death

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[38] As, for example, when Barth warns against the theological mistake of downplaying the seriousness of evil: "Nor must we fail to realize that, while we indulge in this formidable confusion, real nothingness, real sin, evil, **death** and the devil, are no less present and active, although not where man in his folly seeks and thinks to find them" (*CD* III.3, 300).

[39] This latter is considered part of the shadowside of creation. Thus, Barth: "It is true that in creaturely existence, and especially in the existence of man, there are hours, days and years both bright and dark, success and failure, laughter and tears, youth and age, birth and **sooner or later its inevitable corollary, death**… Yet it is irrefutable that creation and creature are good even in the fact that all that is exists in this contrast and antithesis. In all this, far from being null, it praises its Creator and Lord even on its shadowy side, even in the negative aspect in which it is so near to nothingness" (*CD* III.3, 297).

of [Jesus Christ] and thus to release us from it" (*CD* III.2, 626). "The God who awaits us in death as the Lord of death is the gracious God. He is the God who is for man" (*CD* III.2, 609). It is significant that, for Barth, empirical death is the "sign of divine judgment" and not the "divine judgment" itself. The divine judgment that is merited by the sinful existence of the human is death in God-abandonment—and there is one person of whom we may say that he died this death. "*Eloi, Eloi, lama sabachtani*?" (Matthew 27:46). Because Jesus has actually suffered the judgment of God, "dying no longer has to be this dying, the suffering of punishment which [sinful humans] have deserved, *but only its sign*" (CD III.2, 600, emphasis added). Because Jesus has died this death, "those who believe in Jesus can no longer look at their death as though it were in front of them. It is behind them" (*CD* III.2, 621). Death, then, may be the inescapable limit to the human being, but it is a limit which itself is limited by God. God is therefore in very truth the boundary of the death that bounds us. What awaits us at our limit then is not our annihilation, but the gracious God. To approach death, then, allows for "greater contact with grace."[40]

§3.2. At Our End-God: The Role of Death in Barth's *Romans* Commentary

Perhaps the best way to elaborate the logic which makes death the point of contact with divine grace is to turn to Barth's earlier writings. Death plays a central role in the theology of Barth's early period, and, especially, in the second edition of his commentary on the *Epistle to the Romans*.[41] Little attention, however, has been paid in the scholarly literature to Barth's early understanding of death. Pausing to consider the theological significance of death in *Romans* II yields insight into a basic soteriological logic that arises here that will continue on into Barth's mature theology. Death is at once a critical No to human presumption, the very means of deliverance from sinful existence, and the place of encounter with divine grace. In the following section, I will first outline the theological significance of death in *Romans* II, explaining the importance of the metaphor of the "line of death" (*Todeslinie*), which marks the impassable boundary between human beings and God. Divine grace, communion with God, Revelation—these are not human possibilities. It is only by "putting to death" all human possibilities before the reality of God that any of these can occur. The dominant ethical posture which follows

[40] Cambria Kaltwasser, "The Measure of Our Days: Assessing the Aims of Radical Life Extension in Conversation with Karl Barth's Theology of Human Temporality," paper presentation at American Academy of Religion Annual Meeting, November 22, 2014.
[41] Karl Barth, *The Epistle to the Romans* (London: Oxford University Press, 1977). Hereafter *Romans* II.

from this is one marked by humility, repentance, and an acceptance of the limited and contingent nature of human existence.

Upon encountering *Romans* II for the first time, the reader will likely be struck by a sense of disorientation or uneasiness, as if walking through a funhouse or trying to walk a tightrope. Such a reader might be encouraged to find out that this is precisely the intended effect of Barth's forceful rhetoric. Barth desired to leave the reader "suspended in the air" with "no standing-place"[42] but the absolute miracle of divine grace. Or, to shift the metaphor, Barth wanted to demonstrate powerfully the fact that the Christian does not stand on a firm foundation which would allow her complacently to presume upon her secure footing. Instead, the believer lives as if crossing a pond, jumping from lilly-pad to lilly-pad, never stopping long enough to sink. Explaining *why* Barth sought to inculcate this attitude in the reader—and *how* he did it—will, perhaps surprisingly, bring us at least part of the way to an understanding of the meaning and importance of death in Barth's early theology.

Barth's commentary, described by one of his contemporaries as a "bombshell on the playground of the theologians," was intended as a disruption.[43] It was written during an early period of Barth's career when he was becoming increasingly dissatisfied with the dominant liberal theology of his day, and it was especially motivated by his shocked horror at the ease with which most of his former teachers had provided religious justification for their support of the war policy of German Emperor Wilhelm II.[44] At the heart of Barth's break with liberal theology was the issue of theological epistemology. Specifically, what is the role of human experience in the knowledge of God and of humanity in light of God? Many German Christians, like Martin Rade and Wilhelm Herrmann, had appealed to the almost-supernatural experience of unity with which the German people met the prospect of war as evidence for its divine authorization. But such an interpretation was so far afield from Barth's own "'experience' of God in Jesus"[45] that it called into question the usefulness of the very category of experience as "an adequate ground and starting-point for theology."[46] What was most blatantly missing from these liberal theologians, according to Barth, was any discernable element of *self*-criticism regarding the knowledge of God. It was with *Romans* II, and its radical element of self-

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[42] Barth, *Romans* II, 94, 163.

[43] This comment, attributed to Roman Catholic theologian Karl Adam, was made in reference to the first edition, but, needless to say, applies equally as well to the more widely read second edition as well.

[44] See Karl Barth, "Evangelical Theology in the Nineteenth Century," in *The Humanity of God*, trans. Thomas Wieser (Atlanta: John Knox Press, 1978), 14. On Barth's general sense of "alienation" from liberal theology during this period, see McCormack, *Karl Barth's Critically Realistic Dialectical Theology*, 79ff.

[45] Letter from Karl Barth to Wilhelm Herrmann, 4 Nov. 1914, cited in McCormack, *Karl Barth's Critically Realistic Dialectical Theology*, 113.

[46] McCormack, *Karl Barth's Critically Realistic Dialectical Theology*, 113.

critique, that Barth's break with liberal theology was brought to its clearest and most powerful expression.[47]

It is within this context that we should seek to understand one of Barth's recurring metaphors in *Romans* II: the "line of death" (*Todeslinie*). In the first instance, the "line of death" fulfills the largely negative and critical role of marking the impassable boundary (*Grenz*) between human beings and God. "The Being and Action of God are and remain wholly different from the being and action of men. The line which separates here from there cannot be crossed: it is the line of death (*Todeslinie*)."[48] God exists objectively apart from, and in some way even over against, humanity. "Men are men, and God is God."[49] This means, ontologically, that the two stand in a relationship of *diastasis* in which no further synthesis to a higher order can be achieved.[50] Not only that, but "In Jesus everything that occurs in the world is bent under the judgement [sic] of God and awaits His affirmation."[51] The decisive "judgment" (KRISIS) of God declares an "infinite qualitative distinction" between time and eternity, between the created world and the uncreated God.[52] With regard to epistemology, this means that God and humanity do not stand, whether near or far from one another, along a single continuum which might give the human some point-of-contact (*Kontaktpunkt*) for recognizing the divine.[53] To imagine such a continuum (perhaps in terms of a "chain-of-being") would be to "confound time with eternity."[54] This amounts to an "arrogant endeavor to cross the *Todeslinie* by which we are bounded."[55]

All human activities stand under God's KRISIS, but none more so than the practice of religion.[56] Barth was convinced, in the words of Bruce McCormack, that "the way taken by a person who seeks

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[47] In the Preface to *Romans II*, Barth answers the critique, which had been levied at him, that he did not appreciate the insights of modern biblical criticism. To the contrary, Barth answers: the historical critic needs to be even more critical (i.e., self-critical)! "The whole procedure assuredly achieves no more than the first draft of a paraphrase of the text and provides no more than a point of departure for genuine exegesis. The matter (*Sache*) of the text cannot be released save by a creative straining of the sinews, by a relentless, elastic application of the 'dialectical' method. The critical historian needs to be more critical." Karl Barth, *Romans II*, 8.

[48] Barth, *Romans* II, 111.

[49] Barth, *Romans* II, 63.

[50] In his groundbreaking work on Barth's early theological development, McCormack labels this aspect of Barth's thought "critical realism." It is realistic in so far as God is an object reality independent of humanity; it is critical in so far as it takes seriously Kant's epistemology and his critique of metaphysics. See *Karl Barth's Critically Realistic Dialectical Theology*, 129-130.

[51] Barth, *Romans* II, 111.

[52] Barth, "Preface to the Second Edition," *Romans* II, 10. The language of the "infinite qualitative distinction," as Barth acknowledges, is Kierkegaard's.

[53] The question of the existence of a "point-of-contact" (*Kontaktpunkt*), in the sense of a natural capacity for revelation, was the central issue in the debate between Barth and Brunner. Cf., footnote 22.

[54] Barth, *Romans* II, 44.

[55] Barth, *Romans* II, 168.

[56] Barth, *Romans* II, 127.

to know God will, to a large extent, determine what kind of God one arrives at, or even whether what is arrived at is God at all."[57] According to Barth,

> We suppose that we know what we are saying when we say 'God.' We assign to Him the highest place in our world: and in doing so we place Him fundamentally on one line with ourselves and with things…We dare to deck ourselves out as His companions, patrons, advisers, and commissioners. We confound time with eternity. This is the *ungodliness* of our relation to God. And our relation to God is *unrighteous*. **Secretly we are ourselves the masters in this relationship**. We are not concerned with God, but with our own requirements, to which God must adjust Himself…And so, when we set God upon the throne of the world, we mean by God ourselves… God Himself is not acknowledged as God and what is called 'God' is in fact man.[58]

The importance of the sentence in bold-type in this quotation should not be overlooked. If God is to be known *as God*, then God cannot at any point become merely the *object* of human knowledge; God must also remain the *Subject* in the encounter between God and humanity.[59] In Kantian terms, God must become "intuitable *as* the Unintuitable."[60] In Barth's own day, the radical emphasis on *diastasis* and KRISIS invited the charge of theological skepticism. Many wondered whether *Romans* II renders God completely unknowable. While there is some truth to this charge, it misses the point. For Barth stresses repeatedly that while we cannot cross the line of death to get to God, God has already crossed it to get to us. Revelation occurs!

How is it possible for God to become the *object* of revealed knowledge while remaining *Subject* in the event of revelation? In *Romans* II, Barth's gives a two-fold answer. The first has to do with the event of revelation in the life-history of Jesus Christ and the second has to do with the event of revelation in the life of the believer. Both invoke death. First, in Jesus Christ revelation occurs through a "dialectic of veiling and unveiling," whereby God truly reveals Godself in the creaturely existence of Jesus without thereby being exhaustively identified with the medium of revelation. In the crucifixion of Jesus, God is revealed *in* history, but only in the light of the resurrection which comes from *beyond*

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[57] McCormack, *Karl Barth's Critically Realistic Dialectical Theology*, 246.
[58] Barth, *Romans* II, 44. Emphasis original.
[59] Barth employs the Kantian noumena-phenomena distinction in order to preserve the divine prerogative in the event of revelation. According to Barth, God "is precisely no 'thing-in-itself' [KANT], no metaphysical substance in the midst of other substances… If God, as the final Cause, could, as is implied by the previous indictment, be placed within the succession of other things in this world, and if conclusions could be drawn about Him from the other things of the world, what are we then to make of the fact that the whole concrete world is ambiguous and under KRISIS? There is no object apart from our thinking of it; nor has an object any clear characteristics save when we are able to recognize them by some quick-moving previous knowledge. Therefore, if God be an object in the world, we can make no statement about Him…which does not proceed from some previous superior knowledge." *Romans* II, 78, 82. On Kant's influence, see McCormack, *Karl Barth's Critically Realistic Dialectical Theology*, 245.
[60] Barth, *Romans* II, 67.

history. Importantly, however, the moment of revelation is not the resurrection itself, but the crucifixion, understood as the setting aside of all human possibilities In the words of McCormack, "God becomes intuitable only *sub specie mortis*."[61] Second, the believer cannot straightforwardly receive revelation, for revelation "requires a new subject,"[62] which it also creates: the "Old Man" must be put to death so the "New Man" can come into existence. For God to remain subject in the event of revelation means that revelation occurs only insofar as the recipient undergoes an *Aufhebung* which dissolves her identity in Christ's death only to re-establish it in his resurrection. This occurs only on the far side of the line of death: "By dissolving us, He establishes us; by killing us, He gives us life."[63] Without death there is no resurrection.

Because our fundamental sin is "our drunken blurring of the distance which separates us from God," human beings need be taken to their absolute limit in order to be judged as those who nevertheless fall short of God. It is precisely in this "going to the limit," the negation of every *human* possibility, that reveals the infinite qualitative distinction and opens up the space for God to be recognized *as God*.[64] Thus for Barth, somewhat paradoxically, "grace presupposes the line of death by which all concrete human conspicuousness is bounded absolutely. This line is, however, in God's sight the line of life, since it assumes the final negation which alone contains the affirmation of God."[65] Here we glimpse the fundamental logic of salvation in *Romans* II: "Beyond the barrier at which we stand is—God. This is the theme of the Word of God."[66] To approach the "line of death," then, is not simply to approach the utter limit (*Grenz*) of human possibility, but it also to approach the place of the uniquely divine possibility of grace. This is precisely what we witness in Jesus's death. Jesus did not die as a "genius… hero or leader of men." Rather, Jesus's dying was pure negation in which "there is no conceivable human possibility of which He did not rid Himself." Whereas the primal couple sought to be "like God" (*sicut deus*), Jesus sacrifices "every claim to genius and every human heroic or aesthetic or psychic possibility" before God. In this negation, a space is opened up as it were for the

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[61] See McCormack, *Karl Barth's Critically Realistic Dialectical Theology*, 254. Cf., Barth, *Romans* II, 160.
[62] Barth, *Romans* II, 62.
[63] Barth, *Romans* II, 61.
[64] Cf., Barth, *Romans* II, 76, 202. One potentially fruitful way of framing this aspect of Barth's thought is to see *Romans* II as a radicalization of Luther's *theologia crucis*. Because our fundamental sin is the denial of the limits of human possibility, we must be dashed against these limits in order to be shown that God's faithfulness extends to the exact place where we would least expect it.
[65] Barth, *Romans* II, 138.
[66] Barth, *Romans* II, 93.

gracious action of God. Therefore, "in [Jesus] we behold the faithfulness of God in the depths of Hell. The Messiah is the end of mankind, and here also God is found faithful."[67]

Here, in short, is Barth's understanding of death in *Romans* II. The limit against which humanity rebelled "in Adam," which subsequently became for all humanity a curse, is thus given back to human beings as the concrete form grace takes.[68] "Our life is confronted with a steep precipice, towering above us, hemming us in on every side, and on it are hewn the words: *All things come to an end*. And yet in all negativity there is no point which does not bear witness to the summit…. Death never occurs but it calls attention to our participation in the Life of God and to that relationship of His with us which is not broken by sin."[69] The believer, then, is freed to affirm the limited and contingent nature of creaturely existence.[70] When this happens, a dramatic reversal occurs: "Death is deprived of its power. When we recognize that in suffering and brokenness it is *God* whom we encounter, that we have been cast up against Him and bound to Him, that we have been dissolved by Him and uplifted by Him, then tribulation worketh *probation* of faith, and faith discovers God to be the Originator of all things, and awaits all from Him."[71]

We may make a few preliminary observations about Barth's treatment of death in *Romans* II. During this period, Barth's theology centered on the radical critique of human presumption, especially the mistaken claim that human beings have a natural capacity for knowledge of God and God's will. With Feuerbach, Barth claims that all such "natural knowledge of God" amounts to wishful projections. Claiming to speak of God, they merely speak of humankind in a loud voice.[72] Between God and human beings there exists an absolute and impassable boundary, an "infinite qualitative distinction." Barth's preferred term for this boundary—or, limit (*Grenz*)—is *die Todeslinie*, the "line of death." We can see from this that Barth sees death primarily as an indication or a sign of human finitude or limitedness, but also as a sign of divine judgment. Barth has a dialectical conception of death. On the one hand it sounds the note of divine judgment against human sin. The "line of death"

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[67] Barth, *Romans* II, 97.
[68] Barth, *Romans* II, 167. There is a danger here of supposing that we are dealing with a "negative natural theology," which seeks to understand Christ's death in terms of a general existentialist understanding of human suffering and death. Such a conclusion is forestalled by Barth, who holds the cross to be the "criterion of knowledge" (*Erkenntsnisprinzip*) of our death, not the other way around: "That life comes from death and what death means, *this* death tells us." *Romans* II, 216. On the origins of the charge of "negative natural theology," see Tjarko Stadtland, *Eschatologie und Geschichte in der Theologie des jungen Karl Barth* (Nuekircken-Vluyn: Nuekirchen Verlag, 1966), 116.
[69] Barth, *Romans* II, 170.
[70] Barth, *Romans* II, 156.
[71] Barth, *Romans* II, 157. For this reason, Barth can claim, "To stumble upon the reality of God, to be put to shame by Him, to have to die at His hands is, then, an occurrence pregnant with hope" (403).
[72] See Ludwig Feuerbach, *The Essence of Christianity*, trans. George Eliot (New York: Prometheus Books, 1989).

is the judgment (KRISIS) under which all human activities stand. On the other hand, death is central to the atonement. Revelation, the central saving event for Barth, occurs *sub specie mortis* in two ways. First, following Luther's *theologia crucis*, Barth describes God's self-revelation in Christ as a "veiling" of the divine under its supposed opposite. God is truly revealed in Jesus, and especially in his death on the cross, without being exhausted in the medium of revelation. That revelation occurs in this manner preserves God's sovereign freedom as the Subject of the encounter between God and humankind. Second, in order for revelation to take root in the life of an individual person, she must undergo a death, of sorts. The "Old Man" must be put to death so that the "New Man" can come into existence. The event of revelation does this. It dissolves the sinner so as to reestablish her in light of God's faithfulness. This divine *Aufhebung* of the human being demonstrates a striking fact. Death, understood as the inescapable confrontation with the limited nature of human existence, is a presupposition of divine grace. The human being must be taken to her utter limit and must undergo the negation of all merely human possibilities, in order to be shown that it is precisely *at her limit* that God remains *God.*

§3.3. Death as the Gracious End of the Sinner

Barth returns to the theme of death as the precondition of grace in his treatment of the fall of humankind. It is important at the outset to note Barth's understanding of the genre of the biblical account of Adam and Eve. According to Barth, the creation narratives present neither "history" (in the modern sense of that term) nor mere "myth," but rather "saga" (*Sage*). What Barth means by saga is "an intuitive and poetic picture of a pre-historical reality of history (*praehistorischen Geschichtswirklichkeit*) which is enacted once and for all within the confines of time and space" (*CD* III.1, 81). In an important and somewhat paradoxical sentence that merits unpacking Barth asserts, "Not all history is historical" ("*Nicht alle Geschichte ist historisch,*" KD III.1, 87). What escapes notice in the English translation is readily apparent in the German: Barth is here working with two distinct notions of "history." Van Harvey explains the difference as follows: "*Historie* means that which is public and verifiable according to generally accepted standards of history writing. So understood, it is to be contrasted with *Geschichte*... which refers to the *significance* of a historical fact and so cannot be made verifiable by historical canons."[73]

[73] Van A. Harvey, *A Handbook of Theological Terms: Their Meaning and Background Exposed in Over 300 Articles* (New York: Simon & Schuster, 1992), 121, quoted in Richard E. Burnett, *Karl Barth's Theological Exegesis: The Hermeneutical Principles of the Römerbrief Period* (Grand Rapids: W.B. Eerdmans Pub. Co., 2004), 105fn31. According to Burnett, "*Geschichte* is the older, more common, and from the perspective of Germanistics purer term; whereas the former, *Historie*, is more specialized and has its origin in the early nineteenth century, viz., out of an emerging consciousness among scholars that the discipline of

Barth later distinguishes the two terms with specific reference to Genesis 1-3: "'*Historie*' [is] something that can be proved by general historical science, whereas '*Geschichte*' is something that *really takes place in time and space*, but may or may not be proved. The creation story has to do with '*Geschichte*,' for instance. It has to do with something that happened and therefore something historical, but something that is not open to historiographical investigation."[74] Though the creation event described in Scripture is genuinely historical (i.e., it, or something like it, *happened*), it is a genuinely unique event for it does not carry forward any history, but rather begins history. As no one was present to witness and record it (cf., Job 38:4), it "is not history in the historicist sense" (*CD* III.1, 78).[75] While some of Scriptures may be more closely approximated with our modern notion of "history," at no point do the Scriptures entirely leave behind a "non-historical" element: "all historical writings become soulless

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history was indeed a *Wissenschaft*. So *wissenschaflich* had the methods of historical inquiry become—so it was thought—that many scholars believed that a new term was needed to distinguish between history so-established and all else that had been or might otherwise still be called history. This new term was called *Historie* and, for many throughout the nineteenth and twentieth centuries, became associated with the 'facts' or 'what really happened' in contrast to *Geschichte*, the mere 'reports,' 'stories,' or even 'tales' of what may have really happened." Though Burnett is here talking about Barth's *Römerbrief* period, he notes that Barth juxtaposed the terms The terms "throughout the *Church Dogmatics*. [*Historie*] is often associated with that which is 'apprehensible by a neutral observer or apprehended by such an observer.' As such it is a notion 'totally alien' to the Bible and thus 'obviously and utterly inappropriate to the object of its witness. The neutral observer who understood the events recorded in it as revelation would cease thereby to be a neutral observer.' Whatever might be established in terms of *Historie* in the Bible, Barth describes consistently as 'trivial' and as having 'no significance for the event of revelation. Moreover, 'we should be discarding again all that we have said earlier about the mystery in revelation if we were not to describe any of the events of revelation attested in the Bible as *'historische'* (KD I.1:343)."

[74] John D. Godsey, *Karl Barth's Table Talk* (Richmond: John Knox Press, 1962), 45. Emphasis added.

[75] Barth is not, as would later be charged, espousing an "anti-historical" point of view. Nor is he a thoroughgoing historical skeptic. Rather, he is subtly undermining a trend in the scholarship of his day to ignore the meaning and significance of the Biblical text in the name of a positivist implementation of historical-critical methods—a trend we might call "historic*ism*." Against such a view, Barth attempts to restore a mode of interpretation that is more *Sachliche*; that is, a mode of reading that corresponds with the central subject matter of the Bible, namely, the Word of God. A delightful example of this stance is found at the end of Barth's 1935 Utrecht lectures on the Apostle's Creed (Karl Barth, *Credo* (New York: Scribner, 1962), 163-164). At the end of the lecture, Barth responded to a series of questions, including a question that was at the time causing some internal conflict in the Dutch church:

> And now in this connection one of you has put to me concretely the specifically Dutch question, whether the serpent in Paradise 'really' spoke? –I would oppose characterizing this incident as 'myth.' No more can I, on the other hand, characterize it, in the sense of historical science, as 'historical' ['*historische*'], for I am as little able to imagine a speaking serpent (apart from everything else!) as anyone. But I should like to ask the dear friends of the speaking serpent whether it would not be better to hold fast to the fact that 'it is written' and to go on and interest themselves in *what* the serpent said? To me they appear to be very important and momentous words that I should not like under any circumstances to miss from the Bible. The serpent's speech is indeed the invitation to man to face God with the question so significant for the very problem of theological exegesis: 'Hath God said?' Where this question is heard, there a man *must* have the idea of being as God, there the fruit *must* be eaten. There he stands reflecting over the Word of God, and to that Word he will then most certainly not be obedient. The attitude of standing over it apologetically should be given up. The fact that we do not give it up proves very palpably that the serpent has really spoken, yes, indeed!

As Kathryn Tanner notes, "what Barth calls a pre-historical event of history… has as its closest analogue the equally unobservable but nonetheless real occurrence of Jesus's resurrection (*CD* III.1, 80, 78)." See "Creation and Providence,' in *Cambridge Companion to Karl Barth*. Edited by John B. Webster. Cambridge: Cambridge University Press, 2000, 120.

and intolerable to the extent that they try to be just historical and nothing more" (*CD* III.1, 78).[76] There must always be a *Geschichtliche* element to any *Historie* worth reading. Reading the Bible takes imagination ("A man without imagination is more of an invalid than one who lacks a leg" *CD* III.1, 91), and imagination was an indispensable aspect of its composition.

With all this in mind, let us return to Barth's exegesis of the second creation story and the fall—and specifically, Barth's understanding of the "tree of life." Barth notes that the biblical text is relatively silent regarding the nature and significance of the "tree of life." While Genesis 3:22 ("lest he reach out his hand and take also of the tree of life and eat, and live forever") suggests a relationship between the tree and unending life, God offers no "explicit promise in connexion with it" (*CD* III.1, 256). Though the tree of life is in the midst of the garden of Eden, and though there was no prohibition against eating from it, Adam never seems to have done so. Given that God was directly and intimately upholding Adam's life, his doing so would perhaps have been superfluous.[77] The "tree of life" seems to gain importance only after Adam partakes of the "tree of the knowledge of good and evil." Why is this? As Barth explains, the particular wickedness of this act was in the grasping after the ability to determine right and wrong,[78] which wholly belongs to God as the rightful Judge and Creator. Adam should have desired to receive "good and evil" from God's own hand (*CD* III.1, 260), and not to exalt himself to a position of fellow judgeship, as if to either confirm or disconfirm the judgment of God (*CD* III.1, 261). It is worth noting that the death that follows is less an externally imposed punishment than an intrinsic and necessary result of failing to cleave to the source of life. "[C]hoosing and deciding

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[76] Cf. *Romans* II, 121-122: "A past looking at us with a host of faces is not yet an intelligible, understood, or recognized past. If *Historie* is unable to offer more than this, it is useless. As a critical collection of material, it is *not 'Geschichte*,' it is photographed and analyzed chaos, despite the degree of antiquarian love and precision, despite the most skilled 'empathy' into the mood of ancient days and ways, and despite all incidentally applied, ever so intelligent, points of view. *Geschichte* is a synthetic work of art. *Geschichte* emerges from events and has a single and unified theme. Where this work of art, this event, this one theme is not in the historian from the start, there is *no Geschichte*."

[77] Barth's interpretation departs from Augustine, who held, to the contrary, that Adam and Eve did eat of the Tree of Life before the fall. From this they received at least provisional immortality: "Thus the purpose of other foods was to prevent the ensouled bodies from experiencing any distress through hunger or thirst, whereas the reason for their tasting of the tree of life was to prevent death that might come on them unawares from any source, or that death that would come in extreme old age after their lives had run full course" (Augustine, *De civitate Dei*, XIII.20); and "…Immortality was given to him from the tree of life not from nature, When he sinned he was separated from this tree with the result that he was able to die" (Augustine, *De Genesi ad litteram*, VI. 25).

[78] "To determine" can have different senses: On one level, it may mean simply "to ascertain" or "to conclude from reasoning." On another level, it may mean "to bring to an end a dispute, controversy, or doubtful matter; to conclude, settle, decide, fix" or "to set bounds to; to bound, limit." It is the latter, and not the former, sense that constitutes the sinful attempt to *determine* "good and evil." Importantly, the sin of Adam and Eve lied in their attempt to set their own boundaries and limits. The first pair did not fall by desiring to grow in their awareness of moral categories of "good and evil" or "right and wrong." They sinned by attempting to become the *definers* of right and wrong, rather than receiving such bounds from the hands of God. Cf., "Determine, v". *OED Online*. September 2015. Oxford University Press. (accessed November 23, 2015).

for himself, he must now be the fountain of life himself. But he is unable to be the fountain of life himself. Hence he can only forfeit his life and die."[79] In his attempt to define right and wrong, Adam was essentially acting as if he were creator, rather than creature. "But this is a responsibility which exceeds his capacity. He will necessarily collapse under the burden no less than if he were given the whole globe to carry" (*CD* III.1, 261). Placed in this position the creature "cannot continue as a creature. It is poison for any being to have to stand in the place of God" (*CD* III.1, 262).[80]

Once the nature of this first grasping became clear, it would have been a terrible calamity for Adam to have similarly grasped after life—which, in any case, like "good and evil," was to be received from God's own hand. Here we return to the significance of Genesis 3:22: had Adam grasped after this tree he would, "in some sense, [be] deifying his self-merited fate, giving to death itself… [the] character of eternal life, and thus delivering himself up to eternal death" (*CD* III.1, 257). Given this danger, limitation of life is not only a natural result of turning away from the source of life, but also a gracious restriction of the power of the human being to oppose and reject the limits placed upon it by God.

> [Adam's] only hope, the only guarantee in face of death, is that grasping at the tree of life should be made impossible to him; that the matter should simply end in death, that he should be allowed to die in order that, dying, he may at least fulfill without resistance the will of God as he must encounter it after his transgression, in order that in death at least he should be in

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[79] Though Barth does not share in his commitment to substance metaphysics, the language here resembles that of Athanasius, who, in *De Incarnatione*, offered an account of humanity's fall as a precipitous slide into non-being, which follows from the failure to cling to God, the source of being:

> Thus, then, God created the human being and willed that he should abide in incorruptibility; but when humans despised and overturned the comprehension of God, devising and contriving evil for themselves, as was said in the first work, then they received the previously threatened condemnation of death, and thereafter no longer remained as they had been created, but were corrupted as they had contrived; and, seizing them, death reigned. For the transgression of the commandment returned them to the natural state, so that, just as they, not being, came to be, so also they might rightly endure in time the corruption unto non-being. For if, having a nature that did not once exist, they were called into existence by the Word's advent [parousia] and love for human beings, it followed that when human beings were bereft of the knowledge of God and had turned to things which exist not—evil is non-being, the good is being, since it has come into being from the existing God—then they were bereft also of eternal being. But this, being decomposed, is to remain in death and corruption. For the human being is by nature mortal, having come into being from nothing. (Athanasius, *De Incarnatione* I.iv.)

[80] *Contra* Augustine, Luther, and Calvin, Barth clearly states that the "tree of the knowledge of good and evil" was not placed in the Garden in order to tempt the human being, nor is it a divine "test" which may have been "passed" in order to merit eternal life. The tree does not represent a "covenant of works." Why, then, was the tree in the Garden in the first place? "Why is there opened a door in a direction which is closed to man? Would it not have been better to close this door than to write this prohibition on it?" (*CD* III.1, 263). Barth answers that Adam is not given a choice between two options: *either* obey *or* disobey. Rather, Adam is given the choice to obey, which is to say to confirm and actualize the possibility before him by his own decision. God has made the human being "capable of confirmation" (*CD* III.1, 265). Adam is free to confirm the creative act of God by "keeping to his own place as such, affirming and maintaining it, to hold fellowship with the Creator" (*CD* III.1, 265-6).

> [God's] hand, and therefore should not be rejected, but should have his hope in God (*CD* III.1, 284).[81]

Barth reiterates the point later. A boundary must be set to the life of the sinner. Immortality would be a disaster for sinful human beings. Death is a severe mercy.

> It is only as a boundary is set for us to which we can move, which we shall one day pass and beyond which we shall be no longer, that we are in a position to throw ourselves conclusively and definitively and exclusively on God and therefore concretely on Jesus Christ as our Deliverer from the wrathful judgment of the second death? [sic] What would become of us if in an endless life we had the constant opportunity to achieve a provisional ordering of our relationship with God and our fellows in the way we know so well, or rather to postpone the ordering of this relationship, accomplishing it at best only in that daily drowning of the old Adam which is always so doubtful a matter because he can unfortunately swim? This could only mean in fact that we should be able to sin infinitely and even quantitatively multiply our guilt on an infinite scale (*CD* III.2, 630-631).

§4. Death as a Natural End

§4.1. Empirical vs. Natural Death

We have seen that for Barth death must be taken quite seriously as the sign of judgment. Empirical death declares an unequivocal No against sinful humanity, threatening separation from God and eternal damnation. We have also seen, however, that the very God whom we fear in death is the God who has chosen not to be without us by becoming one with us in Jesus Christ and by suffering the consequences of the divine No against sin in his own person. Death is therefore both the terrible consequence of sin and the mechanism of salvation. It is only through death that we can be saved from death, for without death there is no resurrection. But Barth goes further. Not only are we saved *from* empirical death but we are saved "*for* natural death" (*CD* III.2, 638, emphasis added). Jesus has died the empirical death for us (*pro nobis*), "death now wears a guise in which we can look it in the face.

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[81] A similar point had been made by St. Irenaeus, who, in arguing against Tatian that Adam partakes in the salvation offered in Christ, saw an element of grace in God's barring Adam and Eve from the tree of life:

> Wherefore also [God] drove [Adam] out of Paradise, and removed him far from the tree of life, not because He envied him the tree of life, as some venture to assert, but because He pitied him, [and did not desire] that he should continue a sinner for ever, not that the sin which surrounded him should be immortal, and evil interminable and irremediable. But [God] set a bound to his [state of] sin, by interposing death, and thus causing sin to cease, putting an end to it by the dissolution of the flesh, which should take place in the earth, so that man, ceasing at length to live to sin, and dying to it, might begin to live to God. (*Against Heresies*, III.xxiii.6)

For Ireneaus, as for Barth, the significance of Genesis 3:22 is that God sets a limit to sin through death, not for the sake of death, but rather so that God, and not death, may become the true and final limit of the human being.

We can now face it as a natural prospect" (*CD* III.2, 638). In this section we will first explain how Barth justifies the existence of this second form of death—natural death. We will then consider whether and how natural death can be understood as a creaturely good. If the finite end of human life is part of creation as God intends it to be, then it can rightly, if tentatively, be affirmed and embraced.

How, then, does Barth distinguish between empirical and natural death? First we have to recognize the fact that the two actually coincide in the majority of the biblical references to death and dying. Death, as the temporal end of life, is considered the occasion for divine judgment. Barth, however, does not believe that our empirical death and our natural end necessarily and intrinsically belong together. In the course of drawing them apart, Barth makes two sorts of arguments: an argument based on scripture and an argument based on the incarnation. First, though he recognizes that he must rely on "a narrower compass of biblical demonstration" (*CD* III.2, 633), Barth believes that the scriptures themselves provide evidence of a more benign form of death. Part of the complication is that the Old and New Testaments almost always refer to death in the harsher sense. There is, however, another form of death in the Bible, what David called "the way of all earth" (1 Kings 2:3) and Balaam called "the death of the upright" (Numbers 23:10). Barth argues that one can see glances in the Old Testament of deaths not primarily characterized by judgment and curse. When Moses died he was buried by *YHWH* Himself. Enoch seems to have been translated directly from existence into non-existence as if "unawares." Elijah was taken to God on a chariot of fire. These examples are obviously exceptions to the rule, but they reveal—not as a human possibility but by the grace of God—the possibility of a natural end. The New Testament offers no similar examples, but Barth believes that the idea of a "second death" of a harsher sort, which was amplified by Jesus, involves an "assumption that there is a 'first' death without the evil, corruptive and unnatural character of the 'second'" (*CD* III.2, 637), citing as evidence Hebrews 9:27, Revelation 12:11, 1 Thessalonians 5:10; 1 Corinthians 3:22; and Romans 8:36.

These scriptural and exegetical arguments, however, cannot stand on their own. At best, Barth understands them to be elaborations of the truth revealed in the death of Jesus Christ. Barth's argument from the incarnation takes on two forms. First, after recognizing that empirical death and natural death do indeed coincide in the death of Jesus, he goes on to argue that they *needn't have*. "[S]ince He was neither sinful nor guilty, the finitude of His life did not stand in advance and as such under this shadow [judgment]. His human life might have ended in quite a different way… In His human person there is manifested a human existence whose finitude is not intrinsically identical with bondage to that other death" (*CD* III.2, 629). Empirical death is thereby "set at a certain distance"

from death understood as the divinely appointed end. Jesus was fully human, and, therefore, he was mortal, able to die. But he "did not have to stand under the judgment of God or suffer the death of a reprobate" (*CD* III.2, 630). This proves that "the finitude of temporal existence obviously does not necessarily imply that we stand under the wrath of God" (*CD* III.2, 630). The second form of Barth's argument from incarnation stresses the fact that mortality was a logical entailment of truly being human. Jesus could not have been human without being able to die. The finitude of his time has the character of an "anthropological necessity, the determination of His true and natural being as [a human being]" (*CD* III.2, 630). It would be entirely docetic to claim that mortality did not belong essentially to the man Jesus Christ. Furthermore, if Christ had not been mortal, he would not have been able to die on our behalf. "And if His dying—in virtue of what it was as His—is the sum total of the good which God has shown to the world, how can we dare to understand man's mortality as something intrinsically negative and evil" (*CD* III.2, 630)?

§4.2. The Goodness of Creaturely Finitude

The final judgment Barth makes is that the "finitude of our being belongs to our God-given nature" (*CD* III.2, 627). As the previous pages should make clear, this judgment was hard-won. It was not blithely put forth on the basis of general experience. It was not a simple denial of the evilness of death, which Barth most forcefully upholds (in his own way). The goodness of our finitude can only be known in light of the salvation accomplished in the death of Jesus Christ. Once the possibility of a natural death has been established, however, once the temporal finitude of human life has been counted among the things that God created when God created the world (cf., Sonderegger's "fundamental analysis of the creaturely")—we may then inquire into the particular goods associated with living a finite life. In what sense can we count our mortality and even our death as a gift? Can it be accepted? Can it be embraced?

The first thing that can be established is that natural death is defined not in terms of relation-less-ness, but in terms of finitude. The overarching reality that holds the life of the finite creature together in relation with God is the divine covenant with humanity which is fully realized in Jesus Christ. At every point Barth's doctrine of creation is set within the context of this covenant. A few words are in order here about Barth's doctrine of creation.

How do we come to know that God created heaven and earth? Some would surely reply, "Its right there at the beginning of the Bible: 'In the beginning, God created the heavens and the earth!'"

While true, this answer is too simplistic for Barth. The words of Scripture do not possess divine authority *as such*, but rather because they provide a reliable *witness* to the Word of God, Jesus Christ. "The whole Bible speaks figuratively and prophetically of *Him*, of Jesus Christ, when it speaks of creation, the Creator and the creature" (*CD* III.1, 23, emphasis added). Here Barth's "Doctrine of the Word of God" (*CD* I) and "Doctrine of Election" (*CD* II) converge: "Jesus Christ is the Word by which the knowledge of creation is mediated to us because He is the Word by which God has fulfilled creation and continually maintains and rules it… from every angle Jesus Christ is the key to the secret of creation" (*CD* III.1, 28).

It is consistent with Barth's "actualism"[82] that when he speaks of God as "the Creator" and of the human being as the "creature" he is concretely referring to an event, an "incomparable act," which

> tells us that God is the One who, although wholly self-sufficient in His possession of all perfections, and absolutely glorious and blessed in His inner life, did not as such will to be alone, and has not actually remained alone, but in accordance with His own will, and under no other inward constraint than that of the freedom of His love, has, in an act of the overflowing of His inward glory, posited as such a reality which is distinct from Himself (*CD* III.1, 15).

The "act" to which Barth refers is, of course, Creation. Note, however, that Creation is here understood in light of the covenantal relationship between God and humanity which finds its fulfillment in Jesus Christ. Creation, though distinct from reconciliation and redemption, is not wholly separate from them. As the first act of God which "contains in itself the beginning of time" (*CD* III.1, 42), creation temporally precedes the fulfillment of the covenant. The whole point (*telos*) of creation, however, is to "set the stage for the story of the covenant of grace" (*CD* III.1, 44).[83] Creation is not a neutral occurrence: it is itself ordered toward the redemption of humankind in Jesus Christ. "The history of this covenant is as much the goal of creation as creation itself is the beginning of this history" (*CD* III.1, 42). In other words, "the covenant is the *goal* of creation and creation the *way* to the covenant" (*CD* III.1, 97, emphasis added). Or, as Barth says later, "creation is the external basis of the covenant" and "the covenant is the internal basis of creation."

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[82] See footnote 36.

[83] Consistent with his revision and amplification of the doctrine of election (cf., *CD* II.2), Barth's doctrine of creation here exhibits a strongly supralapsarian character. Though Barth does not use the old scholastic Calvinistic language of the "order of decrees," it is clear that Barth understands creation to be always already ordered toward the reconciling activity of God fulfilled in Jesus Christ. It is not of minor significance, however, that Barth replaces the decree "to save some and condemn others" with the "double predestination" of Jesus Christ for crucifixion and resurrection. God does not say "Yes" to one group of people and "No" to another group of people. Rather, God says "No" to human sin and evil in the crucifixion of Jesus and God says an irrevocable "Yes" to humanity in the resurrection of Jesus from the dead. As Joseph Mangina puts the matter, "in Christ, God chooses death for himself and life for us. God loses in order that we might win." See, *Karl Barth: Theologian of Christian Witness*, 71.

In light of this, Barth makes certain observations about the role of limits and boundaries in God's good creation. Because creation is ordered toward the goal of the covenant, we are also able to say that these limits are ordered toward the same goal. Barth likens the depiction of creation in Genesis 1 to "the building of a temple" which is perfectly ordered toward the worship which will take place in it (*CD* III.1, 98). Discussing Genesis 1:6-8, Barth employs a similar metaphor: creation is a "theatre of life" eminently suitable for human dwelling.[84] There would be no theatre, however, without the "establishment of a boundary… the willing and creating of [a] barrier" in the division of the waters above from the waters below (*CD* III.1, 133). God also creates a life-giving boundary when God marks the limit of the sea on the third day of creation (*CD* III.1, 149). These boundaries, in Barth's estimation, are best understood in light of the divine covenant with humankind which forms the *telos* of creation. For it is with this covenant in view that the text "says of the waters of the sea that they are allowed to go 'thus far and no further'" (*CD* III.1, 151).[85] As we have seen, "boundaries" (*die Grenzen*) play an important role in Barth's theological anthropology. Barth does not primarily see boundaries as negative limitations over against humanity and human freedom, but rather as a positive defining of the created realm and the creature in all her particularity and individuality. In fact, Barth sees the Sabbath rest of God as an affirmation of the positive relationship between boundedness and particularity. On the seventh day of Creation God "was satisfied to enter into *this* relationship with *this* reality distinct from Himself, to be the Creator of *this* creature, to find in *these* works of His word the external sphere of His power and grace and the place of His revealed glory. A limit [*Grenz*] was revealed. God Himself had fixed it for Himself and had now reached it" (*CD* III.1, 214-215, emphasis original). Boundaries cannot be wholly negative if in God's Sabbath rest God limits God's very Self. "When man had been realized before Him, God ceased from His work of creation. He halted at this boundary. He was satisfied with what He had created and had found the object of His love" (*CD* III.1, 217).

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[84] The metaphor was a favorite of John Calvin, who often referred to creation as a "dazzling theatre" or a "theatre of God's glory" See, e.g., *Institutes of the Christian Religion*, ed. John T. McNeill. Trans. Ford Lewis Battles (Louisville: Westminster John Knox Press, 1960), I.v.8; I.vi.2; I.xiv.20; II.vi.1; III.ix.2.

[85] This interpretation would appear to be supported by the pioneering work of biblical scholar Claus Westermann, who demonstrated the centrality of the Exodus event to construction and organization of the entire Pentateuch. According to Westermann (*Genesis 1-11: A Commentary*, trans. John J. Scullion S.J. (Minneapolis: Augsburg, 1984), 2), the "central part of the Pentateuch tells the story of the rescue… at the Reed Sea, Ex 1-18. This event was the basis of the history of a people." David Kelsey points out the implications of Westermann's thesis: "…the role of Genesis 12-59 [is] that of an 'introduction' [to the Pentateuch], and the role of chapters 1-11 [is] that of a 'preface' to the introduction… Whatever their particular force may be, what is already evident is that chapters 1-3, as part of the unit 1-11, function as part of a preface to a story about God's event of rescue at the Reed Sea and *God's creation there of a people*. They are in service to *that story*" (*Eccentric Existence*, 177ff. Emphasis added.).

For Barth, to be a creature of God cannot be a curse. Regarding the sixth day of creation (Gen 1:24-31), Barth notes that humankind is created on the same day as the other land-dwelling creatures, and are therefore, in some way, of-a-piece with them in their creaturehood (*CD* III.1, 178). As a result, human beings should not be overly eager to view themselves as superior to other animals. In fact, it seems human beings have something to learn from the wider sphere of creation about what it means to live *as a creature*:

> If it is true that man is more noble than these creatures, it is also true that he has just as much need of them as of all that went before, whereas they for their part have no need of him whatever… The creature [in fact] precedes man in a self-evident praise of its Creator, in the natural fulfillment of the destiny given to it at its creation, in the actual humble recognition and confirmation of its creatureliness. It also precedes him in the fact that it does not forget but maintains its animal nature, with its dignity and also its limitation, and thus asks man whether and to what extent the same can be said of him (*CD* III.1, 177).

One might object that overemphasizing creatureliness fails sufficiently to recognize the distinctiveness of the human being. Does not such a view give inadequate due to the fact that human beings are created in the "image of God" (Gen 1:26-27)? In this section (§41.2) Barth does indeed take up the question of the *imago Dei*. Barth is careful to reject any interpretation of the divine image and likeness as a capability or capacity: "it is not a quality of man… It does not consist in anything that man is or does. It consists as man himself consists as the creature of God" (*CD* III.1, 184). The image also must not be thought of primarily in terms of what *separates* the human being from other creatures (*CD* III.1, 185). The *imago Dei* is a doctrine about what makes human beings like God, not about what makes them different from other creatures. What seems to be most crucial for Barth's understanding of the *imago Dei* at this point in *CD* is that, like God, the human being is created as a being-in-encounter.[86] We might say that the image refers primarily to the human's I-Thou*ness*. Humanity's relation to God is, in some sense, a "repetition" of the divine form of life as life-in-encounter: "In God's own being and sphere there is a counterpart" (185). Humans exist as a "true counterpart to God" (*CD* III.1, 184) in the sphere of creation. So that the "analogy between God and man, is simply the existence of the I

[86] The notion of the *imago* under consideration here implies that limitedness is constitutive of the *imago Dei* itself. We will see in the final section that God limits Godself in order to great a genuine, definite other in creation. Similarly, human beings are limited by each other as an expression of divine grace. This logic is spelled out in some detail by Dietrich Bonhoeffer's delightful exegesis of Genesis in *Creation and Fall*. See Dietrich Bonhoeffer, *Creation and Fall: A Theological Interpretation of Genesis 1-3* (New York: Macmillan, 1959); cf., Berndt Wannenwetsch, "Loving the Limit: Dietrich Bonhoeffer's Hermeneutic of Human Creatureliness and its Challenge for an Ethics of Medical Care," in *Bonhoeffer and the Biosciences: An Initial Exploration,* ed. R. Wüstenberg et. al. (Lang, 2009).

and the Thou in confrontation" (*CD* III.1, 185).[87] Though it is a genuine reflection of the divine form of life, this understanding of the *imago Dei* does not change the basic fact that human beings lie on this side of the Creator/creature divide. "The divine likeness of man does not affect in the slightest the creatureliness which he has in common with all other beings and in which, with all other beings, he is dependent on God's aid" (*CD* III.1, 189).

Genesis 2 confirms the creaturely solidarity proclaimed in Genesis 1. If, in the first creation story, humans and animals are created *on the same day*, in the second, both are "*formed of dust*, animated by God and destined to return to dust and non-existence" (*CD* III.1, 238, emphasis added).[88] The Hebrew term for "dust" ('*aphar*) has a range of meanings. Literally, it refers to dry debris or loose earth. Under this aspect, it indicates a "strong emphasis on [human] creatureliness… As far as his body is concerned, man ['*adam*] is of the earth ['*adamah*]" (*CD* III.1, 243). That human beings stand in an organic and natural connection with the earth is, on one level, a somewhat unremarkable view for an agrarian people group to hold. The ancient Hebrews would have understood the earth as the source of their subsistence, and would know that what returns to the earth further contributes to its fecundity. To be "of the earth" in this sense, then, need not be lamented. Figuratively, however, '*aphar* can also denote what is lowly, fragile, and even worthless. Dust, it might be pointed out, insofar as it is dry and loose, is not associated with arable climates. As it is not particularly productive of life, it is also associated with death. In the Old Testament, the term '*aphar* is used metaphorically, to refer to a corpse (Psalm 30:9) or to the grave itself (Psalm 22:29l; Gen 3:19). Taken at face value, one might assume

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[87] But again, we must not mistake this for a "capacity" resident in the human *as such*. It is given over to humankind in God's *relating* to it. "The creation saga is careful not to say of Adam that he either was or in some way possessed the image of God. In this record the image of God is exclusively the affair of God Himself in His disposing of man in incomprehensible mercy" (*CD* III.1, 202). It is also not to be related to any function or role the human being might play in relation to creation. The image does not consist in human "dominion" (*CD* III.1, 187). It also does not consist in human "rationality" (*CD* III.1, 188). It is rather that human beings stand in an *analogia relationis* with their Creator: "The relationship between the summoning I in God's being and summoned divine Thou is reflected both in the relationship of God to the man whom He has created, and also in the relationship between the I and the Thou, between male and female, in human existence" (*CD* III.1, 196). The precise relationship between the *imago Dei* and sexual differentiation is, however, quite puzzling. On the one hand, Barth does not simply equate the two, for animals also are male and female. On the other hand, he is able to say "the creation of man as male and female, and *therefore* in the image and likeness of God, is not overthrown by the episode of the fall, but remains even in face of the total contradiction between it and the being of man" (*CD* III.1, 190, emphasis added). Perhaps the best expression of the relationship between human sexual differentiation and the *imago Dei* is found in the following words about bearing children: "this human activity is the sign of the genuine *creaturely confrontation in open differentiation and joyful relationship* which is the image and likeness of the divine form of life" (*CD* III.1, 191, emphasis added).

[88] Though, as Barth acknowledges, the means of God's animating the human being in Genesis 2 is different from that of animating the non-human creatures. "[I]n contrast to the beast, he is animated by God directly and personally. Of all the creatures he is chosen and called by Him immediately" (*CD* III.1, 238). "Then the LORD God formed the man of dust from the ground and breathed into his nostrils the breath of life, and the man became a living creature" (Genesis 2:7).

that this means that it is something to be despised. While such an interpretation would be a mistake, it carries the following grain of truth: the goodness of the material world is not an intrinsic feature, but rather a result of God's always already relating *to it*. According to Barth, "the whole goodness of human creatureliness consists in what God made of this material and what He has in mind for it. It does not, therefore, lie in the material [itself]" (*CD* III.1, 245). This is even true of the human being, whose life, Genesis 2:7 tells us, depends upon the direct impartation from God of the "breath of life." The "dust" is worthless apart from God—but it is never *apart from God*.[89] This all points to the following conclusion: human existence, in all its bodily earthiness, is not a condition to be overcome, but a gift to be received with thanksgiving. What is lowly in itself is exalted as it is encountered by God. This is true of Adam as it is true of the covenant people of God throughout the Old Testament (*CD* III.1, 244). "[B]ecause *as the creature of God* he is distinct from God, it cannot in any sense be a humiliation for him to be what he is" (*CD* III.1, 243, emphasis added).

In light of the death of Jesus Christ, we can go even further. We may affirm death (in the sense of the temporal limitation of life) both as a gracious "de-limiting" of the individual's life in time, which gives it its particular shape and definition and as a sign of divine providence. In *CD* III.4 (§56.) Barth offers a more positive interpretation which takes mortality to be the most conspicuous, but by no means the only, form of limitation graciously given to the human creature by God. These limitations are the concrete forms by which God de-limits each of us as individual beings: "Limitation as decreed by God means circumscription, definition, and therefore determination. Only the void is undefined and therefore unlimited. Differentiating the creature from Himself, God limits it to be His creature and thus gives it its specific and genuine reality" (*CD* III.4, 567). God also limits us in this gracious way by placing each person in his or her own historical era, geographical location, etc. Every particularity is a limitation, but it is the particularity of our lives that lends them their very reality.

Further, according to Barth, the limitation of human life stands as "a sign and testimony of the divine world-governance" (*CD* III.3, 227). Barth gives four reasons: First, by presenting a challenge to our notions of self-sufficiency and self-mastery our finitude testifies to the Lordship of God. For in our natality and mortality "it is made clear that to live is something which I myself cannot take, or give, or maintain… I am indebted to a power which ordained that I should live within the limits laid down not by myself but by that power" (*CD* III.3, 230). Second, in the "once-and-for-allness" lent to

[89] Thus, Barth, says "Man is the being which is literally dependent on the fact that God does not cease to re-encounter him, to draw near to him again, to make him again a witness of the creation of his own life, and to breathe again into his nostrils the breath of life. Man would cease to be man if God were to cease to do this, to be a Creator in this way" (*CD* III.1, 247).

our life by the brackets of life and death, our finitude testifies to the uniqueness of God. Third, our life bracketed by birth and death comprises a single history in which one's freedom, as real as it is, is enclosed by the "severity and… mercy" (*CD* III.3, 233) of God, and therefore testifies that God is the rightful judge of one's life. Finally, in ascending from birth and descending toward death there takes place in our lives *in nuce* the very dynamic of all world history. All of this means that each and every one of us bears within our mortal lives a sign and testimony of God's faithfulness and preservation, whether we realize it or not.

§5. Conclusion: Karl Barth on Agency-in-Dying

In the above account, we have attempted to give a thorough description of Barth's theological understanding of human dying. We have shown that, for Barth, death "as it comes to us" sinners, portends the threat of punishment for the guilt we truly bear. From this perspective, we should be very careful about minimizing in a cavalier fashion the negative and evil character of death. It is a terrible thing to fall into the hands of the living God. This truth, however, must be held in dialectical tension with the truth that we do not meet an abstract "God" at death, but rather we meet the God who, in Christ, has borne the judgment we deserve, who wills not for that judgment to destroy us (to a-*nihil*-ate us), and who raises us with Christ on the far side of death. The death which limits us, in other words, has its own limit in the God who is for us. Death must, therefore, be taken seriously, but not *too* seriously.[90] It belongs to the creaturely nature of the human being to have this fixed temporal end, which occurs at death. The fact that life has a natural, temporal limit is surely a sad and difficult

[90] It bears repeating that Barth's view of death and dying is here strongly influenced by his supralapsarian Christology. It is because the history of creation is always already ordered toward the covenant of God and man achieved in the history of Jesus Christ, that death and dying is ultimately relativized. Notably, there are elements of this supralapsarian logic in the *Church Dogmatics* before Barth's famous revision of the doctrine of election in volume II.2. So, for instance, in §28.2 ("The Being of God as the One Who Loves"), Barth considers the fact that God cannot be defined in terms of "essence," but must rather be understood in light of the Act by which God reveals Godself as God, namely, in the event of Jesus Christ. In this section, he then asks the question, what is the content of this revelation? By it, what do we learn about God? He answers: "God is He who, without having to do so, seeks and crates fellowship between Himself and us" (*CD* II.1, 273). This is not to obscure the great divide between Creator and creation: "He wills as God to be for us and with us who are not God" (*CD* II.1, 274), but it really and truly does mean that God "does not will to be without us, and He does not will that we should be without Him" (*CD* II.1, 274). God's life "leans toward unity" with our life (*CD* II.1, 274). Barth emphasizes that this revelation of God's desire to be with and for us does not deny, but actually includes the antithesis under which we stand. Because God chooses to be with and for creatures such as we are (i.e., sinners in need of redemption), his action "embraces necessarily, too, God's anger and struggle against sin, God's separation from sinners, God's judgment hanging over them and consummated on them. **There is death and hell and eternal damnation** in the scope of this relationship of His. But His attitude and action is always that He seeks and creates fellowship between Him and us" (*CD* II.1, 274, emphasis added).

expression of the shadowside of creation, but it is not to be confused with the "nothingness," which has been utterly rejected by God in Christ. There is a death which *has* been thus rejected: the death in God-abandonment which Jesus Christ actually died. The believer knows, however, that this death lies behind her. It no longer truly threatens her. She is freed to approach death in a new way.

In concluding this chapter, we will briefly describe the attitude or posture that Barth believes should characterize the believer's relationship with death and dying. In particular, our interest lies in the question of whether, and to what degree, Barth believes that we ought to be actively involved in the manner of our dying or whether one's relationship with one's death ought to be passively endured.

Barth most directly addresses this question in §56., entitled "Freedom in Limitation." The section begins with this affirmation: "God the Creator wills and claims the man who belongs to Him, is united to his fellow-man and under obligation to affirm his own life and that of others, with the special intention indicated by the limit of time, vocation, and honour which He has already set him as his Creator and Lord" (*CD* III.4, 565). This means that every aspect of human existence (i.e., one's vertical relation to God, one's horizontal relations with neighbors, and one's integral self-relation as a psychosomatic unity) stands under various limits, of which Barth names "time, vocation, and honour." How ought we to relate to each of these "limits"? To answer the question, a word about Barth's ethics is in order.[91] Barth's has been called a "divine command" ethic, but we must immediately distinguish what Barth means by "command of God" (*CD* II.2, 516) from what is usually understood by that term.[92] The divine command, rather than taking the form of universally applicable rules or ethical principles, is, for Barth, something that is received from God in the moment of ethical responsibility. Barth was not advocating an ethical mysticism of direct divine illumination or self-confident reliance on "leadings" from the Spirit. In the simplest terms, for Barth the divine command is a person, Jesus Christ.[93] Jesus Christ is the "indicative" statement of God concerning humankind, which becomes an

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[91] There are a number of useful monographs and general introductions to Barth's ethical theory. See, e.g., Nigel Biggar, *The Hastening That Waits: Karl Barth's Ethics* (Oxford: Clarendon Press, 1993); David Clough, *Ethics In Crisis: Interpreting Barth's Ethics* (Aldershot: Ashgate Pub., 2005); William Werpehowski, *Karl Barth and Christian Ethics: Living In Truth* (Aldershot: Ashgate Pub., 2014); David W. Haddorff, *Christian Ethics As Witness: Barth's Ethics for a World At Risk* (Eugene: Cascade Books, 2010); Daniel L. Migliore, *Commanding Grace: Studies In Karl Barth's Ethics* (Grand Rapids: William B. Eerdmans Pub. Co., 2010); John B. Webster, *Barth's Moral Theology: Human Action In Barth's Thought* (Edinburgh: T&T Clark, 1998); Paul T. Nimmo, *Being In Action: the Theological Shape of Barth's Ethical Vision* (London: T & T Clark, 2007); Gerald P. McKenny, *The Analogy of Grace: Karl Barth's Moral Theology* (Oxford: Oxford University Press, 2010). For a more critical engagement, see Matthew Rose, *Ethics with Barth: God, Metaphysics, and Morals* (Farnham, Surrey, England: Ashgate, 2010).
[92] See, e.g., John E. Hare, *God's Command* (New York: Oxford University Press, 2015), esp. Chapter 5.
[93] See Matthew Puffer, "Taking Exception to the *Grenzfall*'s Reception: Revisiting Karl Barth's Ethics of War." *Modern Theology* 28:3 (July 2012): 478-502.

"imperative" for human action.[94] "What is the command of God? It is the authentic interpretation in the imperative mood of man's being and nature by its Creator and Lord" secured and revealed in Jesus Christ (*CD* III.4, 568). This does not mean that the life and words of Jesus Christ become the moral standard according to which the Christian ought to live, at least not directly. There are important differences between Jesus and us which must be acknowledged, and which prohibit his life from being an ethical template for our own. What the responsible moral agent seeks, according to Barth's version of the divine command, is a creaturely and faithful "correspondence" with the basic reality of the gospel revealed in Jesus Christ.[95] In Barth's words, "when God meets man as his Commander, the result is that man must recognize his own nature and being in its correspondence to the command of God" (*CD* III.4, 567).

What does "correspondence" mean with respect to the temporal limitation of human life which comes to us all though death? According to Barth,

> The unique opportunity… is simply human life in its limitation by birth and death. And the imperative of the command, to the extent that its target is the freedom of man within the limitation of his nature and being, is simply that this unique opportunity must be *apprehended*, *grasped* and *used* by man… All other limitations and determinations of human nature and being are in some way enclosed in and contained by this first one. It represents all the others (*CD* III.4, 569).[96]

What I take this quotation to be suggesting is the following: death represents the "limitedness" of human life (of which temporal limitation is only one type). The posture toward this limitedness which corresponds to the reality given to us in Jesus Christ is not rebellion or resentment, but rather affirmation, trust, and gratitude. These responses grow out of an appreciation of the once-for-all nature of human life: each and every life is a *unique* and singular opportunity.[97] Thus, for Barth,

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[94] Because of this ordering between "indicative" and "imperative," in which the indicative is prior to and foundational for the imperative, Barth is adamant that the classical Lutheran formulation of "Law & Gospel" need be reversed into "Gospel and Law." In light of Jesus Christ, genuine human moral responsibility ("ought") flows from God's prior action and grace ("is").

[95] As Nigel Biggar puts it: "In Barth's ethics the Bible's primary contribution is in the form of narrative rather than ethical principles and rules." See Biggar, *The Hastening That Waits*, 105. Cited in Scott Paeth, "What Ought We to Do? Normativity in Barth's Ethics of Creation," *Koinonia* XI.2 (1999): 216-236.

[96] Cf., *CD* III.2, 630ff.; *CD* III.3 61ff., 84ff., and especially 229 ff.

[97] For all of his criticism of existentialist philosophy (see, e.g., *CD* III.3, 335ff), Barth's language of "unique opportunity" carries with it a deeply existentialist bent. The recognition of death lends to life a sense of urgency, for "once and never again… I am and can be only what I am this one time, in the few years of this single life-time" (*CD* III.4, 571). In light of the uniqueness of each life, ethics takes on an eschatological character: "What we have here is the call and warning, not of the finitude of human existence as such, nor of the mere frontier of this existence… but of the Creator and Lord who has wisely willed and created human existence in this finitude. This God calls and admonishes and warns us here precisely in view of the finitude of man and therefore urgently and with the demand for prompt and immediate obedience. Even as

> When God distinguishes and therefore limits, there can be no talk of a curtailment or impoverishment or deprivation of the one thus limited. His very limiting is His definite, concrete and specific affirmation. The man who is limited by Him is the man who is loved by Him. Rather than tolerating our limitation with a sigh, we have every reason to take it seriously, to affirm it, to accept it, and praise God for the fact that in it we are what we are and not something else (*CD* III.4, 568).

The ethical question, then, becomes: am I at this moment "seizing or neglecting the unique opportunity" presented to me at this time? Barth offers several "criteria" of obedience in limited time: (a) our limited time is treated with "the greatest possible openness and yet also the greatest possible resolution" (*CD* III.4, 585), by which Barth means that we must be open to learning from others who come before us or with whom we are in community, but ultimately we must resolve upon obedience individually, ("undoubtedly an act in isolation," *CD* III.4, 586), a resolution which takes the character of risk; (b) To seize one's unique opportunity, one must "know how to make time and to take time," by which Barth means that one cannot see life as a spectator, but must be present and attentive to the task at hand. One cannot waste time or eschew the responsibility to choose, but must take part wholeheartedly in that which claims her; (c) The one who seizes her unique opportunity "always remembers that [s]he will die and yet never fears death" (*CD* III.4, 588). To fail to really recognize that one day one will die is to "fail to be what we really are" and to become a stranger to oneself. "That we must and shall die… has to be accepted as a familiar element in our life" (*CD* III.4, 589). If we do not consider that we shall die; if we do not press on from this truth to the required openness and resolution; if we do not let it forbid us to lose time and command us to make time for ourselves, then we are not genuinely and properly what we are" (*CD* III.4, 589).

One might ask whether such a view does not too easily slide into a disregard for the value of human life. If one is to see herself as a being which will certainly come to an end, and if one is to be grateful not only in spite of, but precisely in light of such limitation, are we not in danger of glorifying death? Barth would surely reply in the negative. For Barth, it is a bedrock truth that because human

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we speak, the time passes. We ourselves pass, and with us there passes irrevocably every minute of our time, including every minute in which we have only talked about the command of God when we should have been doing what is commanded" (*CD* III.4, 579). Cf., Kierkegaard on certainty and uncertainty of death ("No further!"), "At a Graveside" in *Three Discourses on Imagined Occasions*, translated and edited by Howard V. Hong and Edna H. Hong. Princeton: Princeton University Press, 1993, 69-102; also Heidegger, Martin. *Being and Time*. Translated by John MacQuarrie and Edward Robinson. London: SCM Press, 1962.

life is directly dependent on the initiative and address of the Creator God, that "man's creaturely existence as such is not his property; it is a loan" (*CD* III.4, 327) that is to be received and protected as such. Life is always a gift that commands "respect." Barth speaks affirmatively of medicine and the desire to mitigate sickness through the medical art. "The realm of death which afflicts man in the form of sickness … is opposed to His good will as Creator and has existence and power only under His mighty No. To capitulate before it, to allow it to take its course, can never be obedience but only disobedience towards God. In harmony with the will of God, what humans ought to will in face of this whole realm on the left hand, and therefore in face of sickness, can only be final resistance.… Those who take up this struggle obediently are already healthy in the fact that they do so, and theirs is no empty desire when they will to maintain or regain their health" (*CD* III.4, 366-69). The respect for life, however, does not mean its absolute and unqualified preservation and prolongation:

> Is it really true that the command of God in all cases and circumstances contains the imperative that man should will to live? Must not this imperative in some cases at least be formulated in what is from the literal standpoint a very paradoxical sense if it is really to be understood as the command of God? Understood in its most literal sense, it is hardly an unconditional and absolutely valid imperative which as such has necessarily to be included in every form of the divine command. Precisely as the command of God, does it not have a restricted validity, since the God who commands is not only the Lord of life but also the Lord of death? Is it really so unthinkable that, when his command summons man to freedom before Him and fellowship with his fellow-men, it might include a very different imperative, or *this imperative in its most paradoxical formulation*, to the effect that man should not will to live unconditionally, to spare his life, to preserve it from death, but that he should rather will to stake and surrender it, and perhaps be prepared to die (*CD* III.4, 334-335, emphasis added)?

Barth does not here, nor does he ever, advocate the taking of one's life through suicide, PAS, or euthanasia. Rather, he opens up space for a form of acceptance of death as a paradoxical expression of the command of God. We must emphasize that this acceptance of death is not the opposite of respect for life. According to Barth, respect for life is an unconditional element of the divine command. There are no "exceptions."[98] What respect for life might entail, however, cannot be wholly determined *a priori*, in a way that precludes the responsibility of the moral agent before God. Barth is

[98] This claim rests on an interpretation of Barth's use of the term *Grenzfall* (i.e., "limit-situation") that is occluded by certain editorial and translation choices in the original English translation of *CD* III.4. According to John Hare, Barth draws "the distinction between boundary case (*Grenzfall*) and exception (*Ausnahme*), and then he [denies] that the boundary case is an exception. Unfortunately, this is disguised in the English translation, which translates *Grenzfall* as 'exception'. Barth goes to great length to interpret what look like exceptions (in the cases of abortion, tyrannicide, self-defense, and war) as actually strange or paradoxical instances of the command to protect life" (*God's Command*, 152n.31). See also, Matthew Puffer, "Taking Exception to the *Grenzfall's* Reception."

saying that in light of God's lordship over life *and death*, and in light of all that has been said above about the goodness of creaturely finitude, there is a way in which the acceptance of death witnesses to the gospel truth of human dependence on and trust in God, and, as such, actually affirms and respects *precisely* the form of life (i.e., limited, singular, dependent) that we *actually* have from God. This "respects life" more than a desperate, autonomous grasping after life, which can reduce the thing sought to "bare" life.

The answer to the question of the mode of agency viz-a-viz death and dying which corresponds with the divine command, that is, with Jesus Christ, can be found here. In learning to see death as a God-given boundary—while simultaneously affirming life as a God-given gift—human beings learn what it means to be (actually) the finite, dependent creatures we are (ultimately). Barth's entire theological anthropology, we might say, is written to drive home the point that the moral life of the human being exists largely in learning to be finite, to accept the fundamentally limited nature of the human condition.[99] To do so, one must learn that the limits (e.g., of time, vocation, historical and geographic location, of interpersonal and relational dynamics, etc.) are not arbitrary, but are given by God precisely in God's giving over to us our particular identity. What bounds us, then, at the limits, is not nothing (and not "nothingness"), but is God. This is the basis for a stance toward death that is basically receptive—while remaining responsible and attentive. This receptivity should, perhaps, be distinguished from pure "passivity," for it does require either a prior decision to be open and receptive, or a prior process of moral formation which results in such openness.[100] The receptivity before death,

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[99] Fergus Kerr traces the logic of Barth's critical account of "the history of various non-Christologically-centered versions of human transcendence." Barth's critique of Fichte makes his central point in this section most forcefully, for Fichte stands in as a proxy for a variety of modern philosophical anthropologies. "Fichte's doctrine of man as an absolutely autarchic self-standing subject rising above the merely natural order, springs (Barth argues) precisely from the lack of any limit (*Grenze*), the lack of any counterpart (*Gegenüber*). From the outset, Fichte was 'resolved to understand man in isolation, as a being who is not confronted by any outward reality which might call him in question, from which he must receive instruction, by which man is controlled, and at the disposal of which he must place himself.' Fichte's man, being free of all such constraints, is expandable in all directions. From the beginning, Barth says mockingly, Fichte's individual is 'the one and all.' Indeed, the only thing Fichte's man lacks, in *Die Bestimmung des Menschen*, is (ironically) *Bestimmung*, determinacy—'*er hat keine Grenze*' ('he has no limit'). Fichte's man can have no 'definition' precisely because he has no outside and thus no limit." See *Immortal Longings*, 27 ff.

[100] David Kelsey makes an important and relevant point about the metaphorical nature of the language of "limits" and "finitude." It *may* be that a "limit" is "an extrinsic boundar[y] laid on us," but this *need* not be the case. Creaturely finitude, asserts Kelsey, "may also be elucidated by metaphors drawn from limits inherent in our energies and capacities, and hence limits to our agency which are intrinsic to their natures and not simply imposed extrinsically." The upshot of this distinction is as follows: if we think of "finite" as a function of an extrinsic boundary, then we are apt (as Kelsey claims Jüngel is) to consider the human being to be characterized by an ontologically final passivity—human passivity is prior to and necessary for any subsequent agential activity. Kelsey helpfully demonstrates that "nothing in the equation of 'creature' with 'finite' which entails that in interrelations with other creatures being 'patient' is ontologically more basic to human being than is being 'agent.'" Kelsey suggests that a better concept is that of "finite agency," which allows "activity" and "passivity" to be, in a sense, "equiprimordial." Of course, in relation to God, we are absolutely dependent. But Kelsey suggest that this does not make us finally passive patients in relation to God. Absent God, we are neither agents nor patients. We simply

which materially aligns with traditional proscriptions of deliberately ending a human life, flows from a different source and is animated by a different energy. It depends not so much upon obedience to a rule or principle, but rather flows from the freedom of living in active correspondence with the divine command, a freedom which, in this case, is the freedom to be patient and receptive and to find dignity and joy precisely in the giving over of the moment of death to the One who is Lord of death.

Autumn Alcott Ridenour elaborates upon a Barthian understanding of agency-in-dying by exploring "the active and passive agency of Christ" in Barth's *Church Dogmatics*.[101] She notes,

> the twofold dynamic that entails Christ simultaneously serving as the eternal God who elects humanity and the elected human who responds to God reveals Christ's dual reality as both active and passive agent that involves the movement of giving and receiving. In Christ's divinity, he willingly or actively becomes human as the servant who goes into the far country. In Christ's humanity, he willingly responds to grace through receptive gratitude, humility, and obedience that ends in human exaltation and participation with God… Here Barth reveals that to be human is to be a recipient or responsive agent to God's gracious summons by definition. The adequate human response to this divine invitation is a posture of prayerful response that enacts gratitude, humility, and obedience. Barth himself portrays the movement of divine giving and receiving, of action and passion, not only in Christ's person as a whole but particularly in the Gethsemane reality as an agent who moves from active to passive status.[102]

Ridenour places Barth in conversation with Canon W.H. Vanstone's *The Stature of Waiting* to illustrate the posture of passive agency. In it, Vanstone traces the narrative arc of the Gospel of Mark, highlighting the shift in verb mood from active to passive after Jesus's prayer in the Garden of Gethsemane. Before this moment, Jesus was the subject of most every verb; after this moment, he was the direct object of almost every verb. This is a posture that Christ freely enacted for the sake of love. According to Ridenour, "thus, even in Jesus's passion and his willingness to become object, he remains subject. In this way, the passion of Jesus remains both a divine and human act in his person."[103] Barth thereby highlights a notion of kenotic self-emptying which expresses what humanity living in correspondence to God looks like. Against the presumptions of the modern social imaginary (see analysis in Chapter 2) that consider either autonomous control or individual authenticity the basis

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are *not*. By God's free initiative we *are*, in our status as agents, albeit *finite* ones. See, David Kelsey, "Two Theologies of Death: Anthropological Gleanings," *Modern Theology* 13:3 (July 1997): 347-370.

[101] Autumn Alcott Ridenour, "The Coming of Age: Curse or Calling? Toward a Christological Interpretation of Aging as Call in the Theology of Karl Barth and W. H. Vanstone," *Journal of the Society of Christian Ethics*, 33:2 (Fall/Winter 2013): 151-167.

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[102] Ridenour, "The Coming of Age," 160.

[103] Ridenour, "The Coming of Age," 161.

for human dignity, Jesus demonstrates that a special type of human dignity is actually revealed precisely in this "giving-over." Such a posture is an expression of creaturely dependence before God, which is revealed to be true human correspondence to God in the action of Jesus Christ, the true human being. For the God revealed in scripture and in the incarnation is the "God who waits."[104] According to Ridenour, "Jesus's passive agency reveals the dignity of this world in that its value is worth waiting for, as seen through his endurance toward the cross. Vanstone argues that part of loving entails waiting—waiting on the other or waiting to receive the other."[105] For Vanstone, then, passive agency, is not solely characteristic of human agency before God, but is also mirrored in the Creator's mode of relation to the creature.[106]

As with the "spirituality of martyrdom" in Roman Catholic moral theology, Barth's fundamental orientation of the human being in terms of "creaturely finitude" has the potential to radically alter many of our assumptions about human moral agency. In our own day, in which we are increasingly likely to find ourselves the bearers of "burdened agency" at the end-of-life, the notion that the "handing-over" of oneself to dependence—on God, but also on family members or caretakers—is a very difficult task indeed. If the church were to re-claim the language of creatureliness, dependence, and finitude, through its practices, then perhaps the Christian standpoint might generate "new imaginary significations" and acts of "cultural poiesis" (Ward) that radically alter the way we engage with medicine and other institutions at the end of life. To be sure, this does not provide robust action guides, and, therefore, will not entirely relieve the sense of "burdening" I have described in this dissertation. But it does have the potential to help Christians inhabit the institutions that exist with a renewed sense of hope and confidence—and thereby demonstrate to all people what it means to affirm the limited life we have.

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[104] See W. H. Vanstone, *The Stature of Waiting* (Darton, Longman and Todd, 2004), Chapter 6 "The God Who Waits."
[105] Ridenour, "The Coming of Age," 164.
[106] In Chapter 6 we will elaborate on kenotic self-giving in light of Christian silent prayer. There we will note a few critical distinctions Sarah Coakley makes between different theological interpretations of *kenosis* in light of feminist concerns about power and oppression.

CHAPTER 5: STANLEY HAUERWAS ON AGENCY-IN-DYING: ETHICS OF DISPOSSESSION

§1. Introduction

In the first chapter, we introduced the concept of "burdened agency," the sense that in the late modern west we are increasingly saddled with choices about how and when to die, while the frameworks of moral meaning and guidance that once informed our understanding of death and dying are largely falling away. We are left with dying as an increasingly individualistic and reflexive task. And when it cannot be so, due to diminished decision-making capacity, the answer is to shift the burden of decision-making elsewhere. Sometimes we shift it to other people, as in the case of a family member acting with durable power-of-attorney or a physician utilizing the standards of "substituted judgment" or "best interest." At other times, we attempt to shift the decision to an earlier point in time, before the threat of diminished capacity (as, for example, in the case of physician-assisted suicide, or a "living will"). In either case, burdened agency is experienced at the moment (or moments) of decision. Noted Christian ethicist (and occasional biomedical ethicist) Stanley Hauerwas puts the point this way: "What makes 'medical ethics' so difficult is the penchant of medical care to force decisions that seem to call into question aspects of our life that we assumed not to be matters of decision, e.g., should we provide medical care for children who are born with major disabilities?"[1] Similarly, for the vast majority of persons in history, specifying the timing and nature of one's death has not been considered a matter of decision. To be sure, such things were suffered well or badly, but were not typically "decided upon."

For reasons articulated at length in the first two chapters of this dissertation, this is no longer the case. As a result, we are now working out as a society what it means to face such decisions morally. In Chapter 2, I suggested that the dominant "scripts for dying" in our culture are deeply entrenched in the values and narratives of what Charles Taylor calls the "modern social imaginary." We then followed Graham Ward's suggestion (drawing from feminist "standpoint theory") that the best way to understand Christian engagement with cultural transformation is not primarily through the constructions of alternative Christian institutions and social spaces, but rather through subversive engagement from the Christian standpoint in order to "generate new imaginary significations" of the practices and institutions in which we already live. In particular, I suggested that attention to the way in which death and dying has been imagined in the Christian theological tradition provides an

[1] Hauerwas and Burrell, "From System to Story," in *Truthfulness and Tragedy*: *Further Investigations in Christian Ethics* (Notre Dame: University of Notre Dame Press, 1989), 20.

alternative way (to the modern social imaginary) for understanding agency-in-dying—and, furthermore, attention to the Christian understanding of agency-in-dying challenges us to reshape and reconsider our dominant assumptions about moral agency *as such*.

In this chapter, we turn to the work of theologian and ethicist Stanley Hauerwas. We might say that Hauerwas's thought represents a culmination of the strands of theology we explicated in chapters three and four. Theologically trained at Yale Divinity School during the height of the Yale School and postliberal theology, Hauerwas has deeply Barthian sensibilities, especially with respect to the notion of "creaturely finitude." As we will see in this chapter, this is especially evident in his emphasis on acceptance of tragedy and contingency in the moral life and in his non-foundationalist theological and ethical methodology. Though he long ago moved to Duke University, some of Hauerwas's formative years were spent at Notre Dame University, where he regularly engaged colleagues about issues in Roman Catholic moral theology. His thought (it is hard to speculate about causation) is deeply resonant with the "spirituality of martyrdom" encouraged by thinkers like Pinckaers and Rahner. This aspect of his thought is especially evident in the way he weaves together insights about Christology and eschatology with reflections about virtue and character. As we shall see, in Hauerwas this "spirituality of martyrdom" is inflected in a Yoderian key, yielding what I will call an "ethics of dispossession" which is expressed in and supported by the community's practices.

Hauerwas, then, can serve as the "hinge" between the central chapters on theological articulations of agency-in-dying and the final chapter, which will deal with ecclesial practices. For it is through the church's "practices of transformative hope" that a new language is offered, and from which "new imaginary significations" can help individual Christians approach their dying in ways that make the problem of "burdened agency" less acute.

§2. Ethics for Finite Creatures

§2.1. A Few Notes on Hauerwas's Methodology

If Hauerwas is known for something apart from his unique accent and penchant for using "colorful" language, it is for giving constant attention to the interrelation between character (virtue), narrative (story), and community (ecclesial practices), especially as these coalesce around the theme of Christian

nonviolence. Eschewing systematic coherence,[2] in essay after essay[3] Hauerwas elucidates an account of Christian ethics that refuses to begin from modern liberal presumptions about the nature of the self (as an individual, transcendental "I") and the self's way of knowing and choosing the good (in terms either of universal *a priori* "principles" or of a rational utilitarian calculus). In the remainder of this section, we will briefly note three aspects of Hauerwas's thought, the understanding of which will help illuminate his contribution to a Christian response to the problems of 'burdened agency.'

In the introduction to *Truthfulness and Tragedy*, Hauerwas highlights three inter-related themes woven throughout the essays contained therein. It would not be an overstatement to say that these themes play a prominent role in all of Hauerwas's work. I will, therefore, begin this chapter with a brief explanation of each of these themes in order to lay the groundwork for an account of Hauerwas's understanding of the relationship between death, dying, agency, and medicine. The basic themes are, "(1) the nature of moral rationality and its significance for how theological ethics is conceived; (2) the interdependence of community and truthfulness; and (3) an understanding of the nature of Christian existence" as inescapably involving tragedy.[4] It may seem that an articulation of theological method is not relevant to an analysis of Hauerwas's explicit statements about agency-in-dying. I believe that such a conclusion would be misguided. For it is my contention that these three themes, taken together, demonstrate how deeply Hauerwas's thought is influenced by notions of creatureliness, finitude, and contingency. If we focus solely on what Hauerwas says, and not also to why and how he says it, we will miss the interconnection between theological anthropology and a re-envisioning of Christian ethics and notions of moral agency. This is precisely the connection, however, that I want to draw to the fore.

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[2] See, e.g., Stanley Hauerwas, *The Work of Theology* (Grand Rapids: William B. Eerdmans, 2015), 23-24.

[3] The significance of this point should not be missed. The essay form reflects Hauerwas's conviction that the human being exists as a contingent, time-bound, and finite creature. As Adam Joyce points out, in his preference for essay over system, "Hauerwas doesn't create a universe of discourse but instead shows one essay at a time how we can go on speaking as Christians as certain forms of Christendom die… Ultimately, it is the story of Christ that guides the Christian pilgrim in the act of "going on." This story is what provides the church with the direction, the sense of where we are walking to and why we are walking. Yet we need more than a story. We don't just tell the story—we must reflect on it—and the essay is a genre especially fit for reflecting on the story and assisting with the act of going on. It is a form of speech, a mode of theology, appropriate for the Christian sojourner, the pilgrim" ("You Always Begin an Essay (or a Theology) in the Middle: A Review of Stanley Hauerwas's *The Work of Theology*," *The Other Journal*, April 13, 2016). For more on Hauerwas's use of the essay form, see Hauerwas, *Truthfulness and Tragedy*, 3; Hauerwas, *Sanctify Them in the Truth: Holiness Exemplified* (Nashville: Abingdon, 1999), 9.

[4] Hauerwas, *Truthfulness and Tragedy*, 8.

§2.2. The Nature of Moral Rationality: Moving from Decisions to Descriptions

Hauerwas begins with an observation about the characteristic form of modern philosophy and ethics, whether in the mode of Kantianism, utilitarianism, or natural law: each of these seeks a foundation for moral rationality which may elicit broad assent amongst those living in fragmented, pluralistic societies. In order to do so, modern ethics typically attempts to "free reason from the limits of particularistic communities." Hauerwas insists that such a project is futile.[5] This conclusion, however, does not mean "it's all relative" or "do what you feel is right." "There are 'criteria' of moral truthfulness, though such criteria can never be independent of a substantive narrative." Christian ethics, believes Hauerwas, "should begin with Christian convictions and how they shape our understanding of moral existence."[6] This means, of course, that one must temper one's desire for a universal ethical language (what Jeffrey Stout refers to as "moral Esperanto").[7] According to Hauerwas, "there is no such thing… ethics always requires an adjective or qualifier."[8]

To eschew moral Esperanto is to attempt Christian ethics in a manner that expresses one's nature as a finite, fallen, limited and contingent creature. In other words, Hauerwas's form of ethics implies a certain theological anthropology. In Barth's terms, we might say that this approach "corresponds to the divine command" in a way that raging against creatureliness (by aspiring to transcend it) cannot. Hauerwas has clearly been influenced by Barth's paradoxical assertion that "ethics is sin."[9] As James Gustafson elaborates, "ethics is sin if it assumes that a person, not God, has

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[5] Not only futile, but foreign (if not antithetical) to Christian theological convictions. Though he does not use the term, Hauerwas points to a basically "Stoic" impulse here, which arises (whether recognized or not) from within a set of narratives: "The form of these stories is of recent origin, but we suspect that the basic story underlying the standard account is of more ancient lineage, namely humankind's quest for certainty in a world of contingency" (Hauerwas and Burrell, "From System to Story: An Alternative Pattern for Rationality in Ethics," in *Truthfulness and Tragedy*, 25). For an explanation of why such an impulse may be labeled "Stoic," see John Bowlin, "Natural Law and the Limits of Contingency," in *Contingency and Fortune in Aquinas's Ethics* (New York: Cambridge University Press, 1999).

[6] Hauerwas, *Truthfulness and Tragedy*, 9. Hauerwas drives home his critique of the "standard account of moral rationality" in the essay, co-written with David Burrell, "From System to Story: An Alternative Pattern for Rationality in Ethics," in *Truthfulness and Tragedy*, 15ff.

[7] See Jeffery Stout, *Ethics After Babel: The Languages of Morals and Their Discontents* (Boston: Beacon Press, 1988), 5-6, 60-81.

[8] Hauerwas, *The Peaceable Kingdom*, 17, 1.

[9] According to Barth, "We cannot act as if we had to ask and decide of ourselves what the good is and how we can achieve it; as if we were free to make this or that answer as the one that appears to us to be right. Certainly the existence of that general conception of ethics as an answer to the question of the good is an exceedingly instructive fact. It confirms the truth of the grace of God which as it is addressed to man puts the question of the good with such priority over all others that man cannot hide or replace it. But in so far as this general conception of ethics seems to speak of an answer to the question of the good which is to be worked out by man himself, it confirms also that man tries to escape the grace of God by which the question of the good is put, but by which it is also answered in advance. Strange as it may seem, that general conception of ethics coincides exactly with the conception of sin." See Karl Barth, *Church Dogmatics*, II.2, 518.

the prerogative of determining was is right and good."[10] This (sinful) goal is precisely that at which universalistic forms of ethics aim.

Hauerwas draws attention to one widespread implication of the presumption that ethics can proceed as if "from nowhere"—namely, an overemphasis on the discrete "act" or individual "decision" as the primary locus for moral evaluation.[11] The resulting "quandary ethics" approach[12] is especially pronounced within the realm of biomedical ethics, which often centers upon the analysis of cases. "The very idea that ethics should be primarily concerned with 'quandaries' and the kind of decisions we ought to make about them," suggests Hauerwas, "reflects our current understanding of ourselves as a people without a history. 'Situations' are not 'out there' waiting to be seen but are created by the kind of people we are."[13] Elsewhere, Hauerwas elaborates,

> The kind of agent we are and the kinds of institutions and practices in which we are involved determine the kinds of cases we confront. Situations are correlative of the ways we have learned to see, and seeing depends on the language we use and the expectations we have encouraged through our character and roles… Ethical reflection, therefore, cannot concern itself exclusively with what we ought to do in certain dilemmas. It must be equally concerned about how we ought to see and understand what the dilemma is. We do not come to see just by looking; we must be trained to see rightly.[14]

Rather than focus on the moral justification of particular choices, therefore, Hauerwas, prefers to focus on the process by which we come to *understand* and *describe* the situations that confront us and that create the context for our response. "The moral life is not first a life of choice—decision is not king—but is rather woven from the notions that we use to see and form the situations we confront. Moral life involves learning to see the world through an imaginative ordering of our basic symbols and notions."[15]

In order to illustrate Hauerwas's claim, it may be helpful at this point to consider a couple of examples. I will give one from the beginning of life and one from the end of life. Consider, for

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[10] James M. Gustafson, *An Examined Faith: The Grace of Self-Doubt* (Minneapolis: Fortress Press, 2004), 64.

[11] So, Hauerwas claims, "Methodologically, it is my contention that the current difficulty of Christian ethics stems from the far too narrow conception of moral experience accepted by many philosophical and religious ethicists. When ethics is limited to an analysis of the justification for particular actions, then it is indeed difficult to make sense of Christian ethics. The language of the Gospel includes, but points beyond, judgments about particular actions and practices to the nature of the self and how it is formed for our life project." See *Vision and Virtue: Essays In Christian Ethical Reflection* (Notre Dame: Fides Publishers, 1974), 1.

[12] See Edmund L. Pincoffs, *Quandaries and Virtues: Against Reductivism In Ethics* (Lawrence: University Press of Kansas, 1986).

[13] Stanley Hauerwas, *The Peaceable Kingdom: A Primer In Christian Ethics* (Notre Dame: University of Notre Dame Press, 1983), 116.

[14] Hauerwas, *Truthfulness and Tragedy*, 170.

[15] Hauerwas, *Vision and Virtue*, 2.

example, the issue of treating critically ill newborns. In the bioethics literature, this issue is almost always framed in terms of a "decision" to be made (recall, for example, the title of McCormick's influential essay, "To Save or Let Die?"). This is, of course, understandable in light of the fact that bioethics journals are read by physicians who, as a matter of fact, have to make decisions.[16] Hauerwas, however, directs attention away from the moment of decision and toward the underlying assumptions about parenting that frame the dilemma itself. Many criticall-ill newborns face a high likelihood of suffering (though our ability to understand and predict the nature and intensity of such suffering remains limited), and a low likelihood of what we might label a "normal existence," characterized by participation in the full range of activities open to other children. In other words, such births preclude from the outset the achievement of two alleged parental duties: the prevention of suffering and the assurance of a happy or successful life. But *should* we assume these are the duties of parenthood? To be sure, we might judge those who fail to prevent their child from exposure to certain harms (e.g., allowing a child to wander into a busy intersection) or who impede a child's development (e.g., though malnutrition or lack of education), but surely it is unreasonable to expect a parent to *insure* a child's happiness and prevent *all* suffering? Apart from a critical evaluation of societal expectations of parental responsibility, we might fail to recognize the way "convictions like these reduce the options at birth to a perfect child or a dead child."[17] Rather, Hauerwas argues,

> We cannot and should not raise our children as if they could be protected against suffering and death. I suspect that the greatest injustice in some of these neonatal cases is done because we have lost sight of the fact that we must learn to love and care for our children as being destined for death… We should not under all conditions try to keep our children alive, but then neither should we kill some of our children because they do not conform to our ideal of "the good life."[18]

The point here is not to settle issues of neonatal intensive care and non-treatment, but to point out that the very framing of the issue *as a dilemma* presupposes a community with certain linguistic practices (i.e., the meaning and expectations of "parenthood"). This obscures the fact that there are some for

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[16] Any medical school student will be able to tell you (perhaps with tongue-in-cheek) that the "real" meaning of M.D. is "makes decisions." Though the problematic nature of the joke should be obvious (e.g., the paternalistic view of medicine and a patronizing view of nurses and other medical professionals), it is not difficult to understand why the sentiment persists. Especially in dangerous emergency situations, hesitation can be disastrous.

[17] Hauerwas, *Truthfulness and Tragedy*, 177. In statements such as these, of course, Hauerwas overstates his case. In actual fact, parents and physicians alike are typically willing and able to recognize and tolerate a wide range of potential outcomes short of withdrawing treatment. We may qualify Hauerwas's point by claiming that it stands *to the degree* that people hold to such "Promethean" assumptions about parenting. It seems even if many people uncritically uphold such a view of parenting, these assumptions are often challenged by the experience of bearing a critically-ill child.

[18] Hauerwas, *Truthfulness and Tragedy*, 178. We will discuss Hauerwas's views of death and suffering in the following sections.

whom no such "decision" need to be made at all, for whom the critical ethical question is how best to welcome the child who comes as a stranger, a stranger who is destined for a life which includes suffering and death.[19]

Consider also Hauerwas's treatment of suicide and euthanasia. Hauerwas (with Richard Bondi) argues that the key issue in evaluating suicide and euthanasia is not "the physical description of the act" so much as "the meaning it has in the larger social, moral, and cultural context."[20]

> Our notions, our descriptions, our very actions are held fast by stories, by the narratives that are our context for meaning. Ethics is the attempt to help us remember what kind of story sustains certain descriptions. It is, therefore, a discipline rather like history, in that we are forced to tell stories in order to capture our past, sustain our present, and give our future direction.[21]

What is needed, then, is to get at the grammar of our moral notions.[22] According to Hauerwas and Bondi, "the story that should underlie the Christian understanding of suicide and euthanasia is not that of wider society."[23] The latter, for example, appeals to notions of "rights" (i.e., the right to die) grounded in the assumption that

> we should be able to determine our lives, when our life will end, and what we shall do with it. But it is fundamental to the Christian manner that our lives are formed in terms not of what we will do with them, but of what God will do with our lives, both in our living and our dying. Life is not sacred as if we Christians had an interest in holding onto it to the last minute. Christians are a people who are formed ready to die for what they believe… Life for us,

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[19] On welcoming the stranger, see Stanley Hauerwas, *A Community of Character: Toward a Constructive Christian Social Ethic* (Notre Dame: University of Notre Dame Press, 1981), 10: "Communities formed by a truthful narrative must provide the skills to transform fate into destiny so that the unexpected, especially as it comes in the form of strangers, can be welcomed as a gift."

[20] Stanley Hauerwas and Richard Bondi, "Memory, Community, and the Reasons for Living: Reflections on Suicide and Euthanasia (1976)" in *The Hauerwas Reader*, ed. John Berkman and Michael Cartwright (Durham: Duke University Press, 2001), 579.

[21] Stanley Hauerwas and Richard Bondi, "Memory, Community, and the Reasons for Living," 582.

[22] The language of "grammar" reveals the profound influence of Wittgenstein upon Hauerwas. Brad Kallenberg explains the relationship this way: "Wittgenstein wrote that part of the grammar of 'chair' is our sitting in them… In this memorable illustration is hidden a wealth of philosophy of language. By the notion of 'grammar' Wittgenstein intended us to realize that there is no way to extract the complicated matrix of all our behavior (in short, *our world*) from our use of language… the word 'chair' is put to use within the context of a community whose common life is constituted, in part, by actions such as chair-sitting, chair-fetching, chair-imagining, chair-upholstering, and chair-counting…. The term 'grammar'… connoted for Wittgenstein the world-permeating character of language, or better, the world-*constituting* character of language… All this Hauerwas gathered up into his own particularly theological outlook. For Hauerwas the theologian, the internal relation of world and language implies that those who have learned to speak the Christian language inhabit a world aeonically different than that inhabited by nontheists, precisely because conflicting (and, at some points) incommensurable descriptions are rendered by each" (*Ethics as Grammar: Changing the Postmodern Subject* (Notre Dame: University of Notre Dame Press, 2001), 218-219). Cf., Hauerwas, *The Peaceable Kingdom*, xxi; Stanley Hauerwas, *Wilderness Wanderings: Probing Twentieth-century Theology and Philosophy* (London: SCM, 2001), 145.

[23] Stanley Hauerwas and Richard Bondi, "Memory, Community, and the Reasons for Living," 582.

> therefore, is not an absolute, for that which we think gives our life form will not let us place unwarranted value on life itself.[24]

The problem with suicide and euthanasia, *contra* NNL, is not that they contravene a "natural desire to live," but that they "tempt us to take on a story that will pervert our manner not only of dying but of living."[25] To speak of suicide and euthanasia in a manner schooled by the Christian story begins with an understanding of life as a gift—"not [a gift] like other gifts… not a property to possess… but a task to live out." In other words, life is "a gift of time enough for love"[26] of God and neighbor. This means that insofar as the Christian understands her life to be a responsibility to uphold the love and trust necessary to sustain community, she feels a duty to live and not die. (This, to forestall an obvious objection, does not imply that the duty is live is an *absolute* duty.)

Hauerwas and Bondi mention other ways in which support for suicide and euthanasia may contradict the Christian narrative. We need not review them all here in order to illustrate the "grammatical" nature of Hauerwas's ethics. For Hauerwas, "descriptions are everything,"[27] for prior to the moment of decision (both temporally and logically) lies the formation of the subject (including her disposition, habits, and social imaginary), which is itself unintelligible apart from her embeddedness in a narratively-shaped linguistic community. As Kallenberg points out, then, "the work of the theological ethicist as grammarian is therefore part language tutor and part (hi)story-teller."[28] Thus, Hauerwas traces the many connections between the stories we understand to frame our lives, the language which arises from these stories, and the way in which such language is institutionalized and reflected in our practical affairs, which, in turn, shape the character of the community itself.

§2.3. The Interrelation of Community and Truthfulness

The second main theme of Hauerwas's work follows from the first. Ethics is a matter of learning and enacting a "language," but we must remember that language is a communal practice. A language

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[24] Stanley Hauerwas and Richard Bondi, "Memory, Community, and the Reasons for Living," 587.
[25] Namely, in our time, "the voluntary taking of one's own life has itself become a way of life in order to let people play out false stories of bravery and heroism, to sustain [a] hollow sense of sacrifice… There is nothing wrong with being a burden!" Stanley Hauerwas and Richard Bondi, "Memory, Community, and the Reasons for Living," 593
[26] Stanley Hauerwas and Richard Bondi, "Memory, Community, and the Reasons for Living," 596-7
[27] Stanley Hauerwas, *Dispatches from the Front: Theological Engagements with the Secular* (Durham: Duke University Press, 1994), 6. Cf., Hauerwas, "Situation Ethics, Moral Notions, and Moral Authority," in *Vision and Virtue*.
[28] Kallenberg, *Ethics as Grammar*, 230.

cannot be merely private; it must exist among and between people, that is, in a community that shares a way of life that makes the use of language intelligible.[29] Following Wittgenstein's insight that the meaning of language is found in its *use*,[30] Hauerwas insists upon a *mutual* connection between the truthfulness of a community's claims and the character of the community's way of life. On the one hand, the existence of a community is the necessary precondition for the existence of truthful speech. On the other hand, a "truthfulness is equally necessary for the building of noncoercive community."[31] For Hauerwas takes it as basic truth that precisely to the degree that a community feels compelled to employ violence in the name of its convictions, those convictions are revealed to be inherently unstable, because ultimately false.[32]

What is perhaps Hauerwas's most programmatic account of the importance of "community," and by extension of "church," occurs in his book *The Peaceable Kingdom*. In that work he reiterates his previous work on character and virtue, adding a further emphasis on moral formation. "We Christians ought not to search for the 'behavioral implications' of our beliefs. Our moral life is not comprised of beliefs plus decisions; our moral life is the process in which our convictions form our character to be truthful…the Christian life is more a recognition and training of our senses and passions than a matter of choices and decisions."[33] This raises the question of how such formation is supposed to occur. We have already mentioned that moral formation is like learning a language. Alternatively, we might say that it is something like being apprenticed into a craft or trade. Consider woodworking, for example. A master woodworker, when looking at a piece of oak or redwood, sees something essentially different from what I (lacking any woodworking experience whatsoever) might see. According to George Nakashima, "[e]ach flitch, each board, each plank can have only one ideal use. The woodworker, applying a thousand skills, must find that ideal use and then shape the wood to realize its true

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[29] See above, fn. 19: "the word 'chair' is put to use within the context of a community whose common life is constituted, in part, by actions such as chair-sitting, chair-fetching, chair-imagining, chair-upholstering, and chair-counting."

[30] According to Wittgenstein (*Philosophical Investigations*. Oxford: B. Blackwell, 1953), "When philosophers use a word 'knowledge,' 'being,' 'object,' 'I,' 'proposition,'… one must always ask oneself: is the word ever actually used in this way in the language-game which is its original home? What *we* do is bring words back from their metaphysical to their everyday use" (§116).

[31] Hauerwas, *Truthfulness and Tragedy*, 10.

[32] In *The Peaceable Kingdom*, Hauerwas suggests that "our violence is correlative to the falseness of the objects we worship, and the more false they are the greater our stake in maintaining loyalty to them and protecting them through coercion. Only the one true God can take the risk of ruling by relying entirely on the power of humility and love" (79).

[33] Hauerwas, *The Peaceable Kingdom*, 16, 149. As the language of "character" makes clear, Hauerwas joins with a litany of contemporary moral philosophers and theologians in attempting to revive a "virtue-ethics" approach to ethics. Cf., especially, G.E.M. Anscombe, "Modern Moral Philosophy," *Philosophy* 33:124 (1958); Alasdair C. MacIntyre, *After Virtue: A Study in Moral Theory*. 2nd ed. (Notre Dame: University of Notre Dame Press, 1984); Philippa Foot, *Virtues and Vices* (Oxford: Blackwell, 1978).

potentiality."[34] The master sees the "soul" of the tree, the way in which each and every facet of a piece of wood contributes to its suitability and potentiality to be used in a way that amplifies its beauty. Such vision, however, does not come "naturally." Nakashima was himself taught to see in such a way by a master in the art of Japanese woodworking while being held at an internment camp during World War II.[35]

This example highlights the necessarily *interpersonal* nature of formation—the inherent connection between community and tradition, between tradition and vision, between vision and character, and between character and action. Hauerwas notes, "We can only act within the world we can envision, and we can envision the world rightly only as we are trained to see. We do not come to see merely by looking, but must develop disciplined skills through initiation into that community that attempts to live truthful to the story of God."[36] For Hauerwas, then, the church is the community that carries forward—both articulated in words and embodied in practice—the story of God that makes possible a truthful seeing of the world.[37] This forms the basis for Hauerwas's oft-quoted claim that the "first social ethical task of the church is to be the church" so that the world may know that it is "world."[38] For the church to "be the Church" involves becoming "a community that keeps alive the language of the faith through the liturgical, preaching and teaching offices of the community."[39] Living from a distinct story, with distinct linguistic practices and a distinct manner of life, the church constitutes an alternative to every other *polis* or *civitas*.[40]

Here a word about the "political" nature of Hauerwas's theological ethic may be in order, especially since (as we shall see in the next section) Hauerwas's evaluation of contemporary medicine is linked with his critique of modern political liberalism. Largely following from his claims that "the

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[34] George Nakashima, *The Soul of a Tree: A Woodworker's Reflections* (Tokyo: Kodansha International, 1988), xxi.

[35] Matthew B. Crawford has drawn attention to the ways in which such craftsmanship relies upon the existence of communities of skilled practice, where "competence rests on an apprehension of real features of the world, as refracted through some set of human needs/desires and corresponding technologies." To be formed within such craft traditions, argues Crawford, is to become oriented toward the material world in a way that contrasts with the dominant forms of modern epistemology. See "The Organ Makers' Shop," in *The World Beyond Your Head: On Becoming and Individual in an Age of Distraction* (New York: Farrar, Straus and Giroux, 2015), 209 ff. Cf., Matthew B. Crawford, *Shop Class As Soulcraft: An Inquiry Into the Value of Work* (New York: Penguin Press, 2009).

[36] Hauerwas, *The Peaceable Kingdom*, 29-30.

[37] It is interesting to note that in the course of explaining the methodological connection between truthfulness and community Hauerwas explicitly discusses suicide and euthanasia. He notes the central importance in our own time of keeping alive "the language of gift of life," which "liberal society has little consistent reason to continue." If, in fact, liberal society continues to hold a negative view towards self-killing, it does so on the (false) presumption that "survival is a central virtue of individual and social existence." The church, "by striving to remain a community were [sic] 'suicide' can be used in a morally accurate manner, thus hold out an alternative to wider society" (*Truthfulness and Tragedy*, 10-11).

[38] Hauerwas, *The Peaceable Kingdom*, 99, 100.

[39] Hauerwas, *Truthfulness and Tragedy*, 10.

[40] Cf., Stanley Hauerwas, *In Good Company: The Church as Polis* (Notre Dame: University of Notre Dame Press, 1995).

first task of the church is to be the church," and that "the church does not have, but *is* a social ethic," Hauerwas has been repeatedly charged with advocating a "sectarian" ethic of "withdrawal" from the various institutions of public life.[41] As a result, it is sometimes claimed that Hauerwas and other "neoanabaptists"[42] are a-political[43] or quietistic. In reality, the opposite is the case. In almost every essay, Hauerwas is making a political argument. Hauerwas's answer to such claims is that "any theology reflects a politics, whether that politics is acknowledged or not. The crucial question is: what *kind* of politics is theologically assumed?"[44] The sectarian charge typically relies on a particularly narrow definition of politics as involving the task to secure justice or common interest through the apparatus of the liberal democratic state. Hauerwas notes that he was trained in the tradition of Christian social ethics, which, following Rauschenbusch and Reinhold Niebuhr,[45] took for granted the fact that "democratic politics was normative for Christians" and that Christians have a fundamental responsibility to participate in the structures of power as they exist.[46]

This assumption, however, was challenged—and ultimately dismantled—through his engagement with John Howard Yoder. Already before encountering Yoder, Hauerwas had begun to drive a wedge between democratic *practices* and liberal political and economic *theory*, the latter he sees as problematically undermining the social virtues necessary to sustain the former.[47] From Yoder, Hauerwas learned to resist "any politics that portrays the church as apolitical in a manner that leaves the formation of the body to the state." In contrast, Yoder supplied Hauerwas with an understanding of the church as "a political space in its own right," which need not overly concern itself with the governing structures of the land. According to Yoder, to ask "what is the best form of government?"

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[41] Among the numerous examples, see Wilson Miscamble, "Sectarian Passivism?" and Michael Quick, "Beyond Sectarianism?" in *Theology Today* 44 (1987), 69-77 and 78-86; James Gustafson, "The Sectarian Temptation: Reflections on Theology, Church and the University," *Proceedings of the Catholic Theological Society* 40 (1985), 83-94. Cf., Jeffrey Stout, *Democracy and Tradition* (Princeton: Princeton University Press, 2004), 118-139.

[42] Cf., James Davison Hunter, *To Change the World: The Irony, Tragedy, and Possibility of Christianity in the Late Modern World* (New York: Oxford University Press, 2010), 150-166.

[43] Stephen Macedo's claim may be taken as representative: "In some passages, including in his advocacy of pacifism, apparently even in the face of the Nazi threat, he strikes me as astonishingly utopian, almost apolitical." See Stephen Macedo, "Hauerwas, Liberalism, and Public Reason: Terms of Engagement?" *Law & Contemporary Problems* 75:4 (2012): 161-180.

[44] Stanley Hauerwas, "Can Democracy be Christian? Reflections on How to (Not) be a Political Theologian," *ABC Religion and Ethics* (June 24, 2014).

[45] Walter Rauschenbusch, *A Theology for the Social Gospel* (New York: Abingdon Press, 1960); Reinhold Niebuhr, *The Children of Light and the Children of Darkness: A Vindication of Democracy and a Critique of Its Traditional Defense* (Chicago: University of Chicago Press, 2011).

[46] For more on the way in which Hauerwas is deeply indebted to and embedded within the tradition of Christian social ethics in America, see Samuel Wells, *Transforming Fate into Destiny*, 3-12.

[47] See Stanley Hauerwas, "Politics, Vision, and the Common Good," and "Theology and the New American Culture," in *Vision and Virtue*, as well as "The Church and Liberal Democracy," in *A Community of Character*.

is itself a Constantinian question insofar as it "presupposes that the one asking the question is in an 'established' social posture that presumes a position of power."[48] This is not the position that we can or should expect those within the church of Jesus Christ to hold.

What is it, in particular, that Hauerwas finds so corrosive about liberalism? For one, Hauerwas contends, "the liberal commitment to the freedom of the individual does not provide an ethos sufficient for the nurturing of morally truthful lives."[49] Equating modernity with liberalism for reasons which need not detain us, Hauerwas claims,

> It was the project of modernity to create social orders that would produce something called the free individual… Put simply, the story of modernity is that you should have no story except the story you have chosen when you had no story. Thus, the modern presumption is that one never should be held responsible for commitments that we have not freely chosen, even if we thought at the time we were freely choosing… The project of liberal societies is simply to make the freedom of choice a necessity. Thus, we achieve the goal of making freedom the fate of each individual. That, of course, creates the peculiar form of self-deception at the heart of the modern project. For, ironically, what liberal societies cannot acknowledge is that we did not choose the story that we should have no story except the story we have chosen from the position where we allegedly had no story.[50]

In the next section (§3.) we will return to this critique in order to demonstrate how, in Hauerwas's estimation, the liberal commitment to autonomy and freedom (of a certain sort) underlies the practices of modern medicine in a way that makes it difficult to achieve a good death. For now, let me simply draw attention to one further aspect of Hauerwas's critique of liberalism that will also introduce the third major theme in Hauerwas's theological ethics.

§2.4. The Tragic Character of Human Existence

For Hauerwas, both the modern liberal search for a universal foundation for ethics and the commitment to "freedom of the individual" are symptoms of a deep fear and denial of the tragic character of human existence, especially as this relates to the moral life. Because Hauerwas believes

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[48] Stanley Hauerwas, "Democratic Time: Lessons Learned from Yoder and Wolin," *Cross Currents* 55.4 (2006), 538. This is not to say that Christians should be wholly uninterested in making critical distinctions between various forms of polity and in matters of public policy. Though Christians, if they are faithful (according to Hauerwas), must be committed to nonviolence, they may also recognize that the sphere of governmental authority goes beyond simply wielding the sword. For this reason, Christians "can ask that those in power be just, care for the orphans and widows, and use the least violent means possible to secure order" (540). In this way they can not only witness to the state but also "participate" in government (540).

[49] Hauerwas, *Truthfulness and Tragedy*, 10.

[50] Hauerwas, *Dispatches from the Front*, 166-167.

that a central criterion of the truthfulness of any narrative is that it "give[s] us the means to accept the tragic without succumbing to self-deceiving explanations," he drives home his critique of liberalism at precisely this point.[51]

What does Hauerwas mean by tragedy? We may note that Hauerwas distinguishes tragedy from suffering. Tragedy involves suffering, but there are forms of suffering that are not inherently tragic.[52] Consider, for example, a day in the life of a competitive runner: she wakes early (foregoing sleep), eats meticulously (foregoing even the smallest of indulgences), trains rigorously multiple times per day (experiencing pain and physical exhaustion in the process), often leaving little to no time for social life and friendship. Subordinated and incorporated as they are within a life project that gives them meaning, these difficulties are not tragic: they are, rather, the fruit and the evidence of the pursuit of a worthy human goal.

Tragic suffering, for Hauerwas, takes a few different forms. First, it names the (otherwise avoidable) suffering that follows from our having (and keeping) substantive moral commitments, but which cannot intrinsically be incorporated into a moral project. The obvious example in this case is the suffering of the Christian (or religious) martyr, but, importantly, suffering can also redound to others as a result of our moral convictions. Hauerwas recognizes, for example, that a commitment to nonviolence will at times involve the tragic, and otherwise preventable, suffering of innocent people. Similarly, in medicine, the physician's covenantal relationship to the individual patient constrains the

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[51] Hauerwas, *Truthfulness and Tragedy*, 12. This presupposition provides the basis for one of Hauerwas's most common methodological "moves." Instead of arguing from supposedly universal foundations, Hauerwas instead begins by recounting a readily recognizable description of the issue at hand. In his description, however, he is careful to demonstrate the ways in which arguments which seem at first to be "common-sense" actually involve unacknowledged self-deception before re-describing the issue in light of the Christian narrative. See, e.g., the block quotation on the previous page, in which Hauerwas argues that the modern presumption that we should have no story other than the story we chose when we thought we had no story, is *itself a story* that is typically accepted without having been "chosen." Examples of such self-deception are numerous in Hauerwas's work. Another example is Hauerwas's observation that Comte's theory of history—according to which humanity moves progressively through stages of moral development, from particularistic and narrative-bound primitive cultures to more universal and abstract moral principles—is, yet again, *itself a story*!

[52] Gerald McKenny outlines what he calls a "geography of suffering" in Hauerwas's works. McKenny notes that for Hauerwas some suffering "has a point" because it "either (1) fits into or at least does not disrupt our moral projects (which may mean that it is not suffering in the strict sense), or (2) occurs as a result of our moral convictions." In addition to these, some suffering is "pointless and which either (3) cannot be cured [or prevented] without violating one or more moral convictions, (4) cannot be cured [or prevented] at all (whether in general or for a specific individual) due to the tragic nature of medicine, or (5) can be cured and does not fit into our moral projects." For Hauerwas, tragedy is intrinsic to (2), (3), and (4). These forms of suffering cannot be completely avoided in the world in which we find ourselves. Nevertheless, the moral discourse of modernity has trouble accounting for the various forms of suffering. As a result, it tends to reduce all suffering to (5): that which is pointless and (in principle) curable. Because this assumption is evidently false, it is an instance of self-deception. For this reason, Hauerwas argues, insofar as medicine follows modern moral discourse, it cannot abide the presence of the chronically ill and mentally retarded, for their very existence belies the myth that all suffering is or should be a matter of human control. See Gerald McKenny, *To Relieve the Human Condition*, 180-181.

pursuit of certain potential goods that would require qualifying her commitment to her patient (e.g., in the conflict between clinical research and medical care).[53]

Though not always recognized, tragedy is an enduring feature of the moral life as such. Attention to tragedy, however, is especially important in understanding the vocation of medicine. This is not simply because of the particular sorts of decisions that must be made in light of contemporary technological medicine. Medicine is a "tragic profession"[54] because of the very nature of the endeavor to care for another person under the conditions of finitude and fallenness. So, for example, in addition to the suffering which follows from holding faithfully to moral convictions, in medicine there is a suffering which results from the necessary limitations of finite knowledge about particulars.[55] We may understand fairly well the pathology and disease process of sepsis, but we cannot infallibly predict its onset or the particular patient's reaction to a chosen treatment. Moreover, in medicine one is sometimes confronted with apparently pointless suffering which cannot be cured. Of course, it is not that medicine is somehow "more tragic" than other aspects of our lives, but "its practice manifests and embodies more intensely the tragic nature of our existence."[56]

In light of the enduringly tragic quality of our lives, we might be tempted to offer explanations for suffering. We may perhaps even attempt to "explain it away."[57] According to Hauerwas, the project of theodicy as a response to suffering is a "theological mistake."[58] What is needed is a "story and community that help sustain [the] commitments" necessary to go on in the face of tragedy without resorting to self-deception.

In this section, we have introduced three key themes in Hauerwas's approach to ethics. We have seen that Hauerwas has attempted to rethink the nature of moral rationality, so as to shift the emphasis from the supposedly "universal" to the concretely particular and historical, from the individual to the community, and, most importantly, from discrete decisions to practice of description. We have seen that Hauerwas believes there is an interrelation between community and truthfulness,

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[53] This relationship was articulated powerfully by Paul Ramsey, *The Patient as Person: Explorations In Medical Ethics*. 2nd ed. (New Haven: Yale University Press, 2002).
[54] See Hauerwas, "Medicine as a Tragic Profession," in *Truthfulness and Tragedy*.
[55] See Jeffrey P. Bishop, "Finitude," in *Dying in the Twenty-First Century: Toward a New Ethical Framework for the Art of Dying Well*, ed. Lydia Dugdale, 19-32 (Cambridge: The MIT Press, 2015).
[56] Hauerwas, *Truthfulness and Tragedy*, 190.
[57] Though, we should not discount the potential benefits of being able to "account for" distress. As Eric J. Cassell has pointed out, "suffering is experienced by persons, not merely by bodies, and has its source in challenges that threaten the intactness of the person as a complex social and psychological entity." In light of this, the inability to discern "meaning" in one's pain can exacerbate the experience of suffering. See Eric J. Cassell, "The Nature of Suffering and the Goals of Medicine," *New England Journal of Medicine* 306:11 (1982): 639-645.
[58] Hauerwas, *Naming the Silences: God, Medicine, and the Problem of Suffering* (London: T&T Clark International, 2004), ix.

such that the truthfulness of a community's narrative cannot be judged apart from the way of life that narrative engenders. When a community resorts to violence in the name of its truth claims, the veracity of those claims is thereby called into question. Finally, we saw that for Hauerwas tragedy is inescapable in the moral life. One of the tests of a community's narratives is its ability to form subjects capable of "going on" in the face of the tragic without resorting to self-deception or theodicy. In the next section, we will turn to Hauerwas's evaluation of modern medical practice. We will see that medicine nourished by the narratives of liberal modernity, according to Hauerwas, fails to recognize the inevitability of tragedy and death. The sad result is that such medicine often serves to exacerbate and intensify the sense of tragedy at the end of life.

§3. Hauerwas's Understanding of Modern Medicine

§3.1. The Story Most of Us Live By

As Hauerwas tells it, "the project of modernity was to produce people who believe they should have no story except the story they choose when they have no story. Such a story is called the story of freedom and is assumed to be irreversibly institutionalized economically as market capitalism and politically as democracy."[59] There is a basic congruence between this way of putting the matter and our analysis of Taylor's "modern social imaginary" in Chapter 2. Though the two critiques share many similarities, it is worth spelling out Hauerwas's version in order to help us make the connections between notions of theological anthropology, moral agency, and ecclesial practices—connections that Hauerwas is especially consistent in drawing.

Hauerwas is here pulling together strands from various Enlightenment thinkers, but most especially from the social contract tradition of political thought. Social contract theories attempt to articulate the fundamental principles that unite individuals into a society. Each of these theories imagines the atomized "individual" as the fundamental unit of society, existing, in some sense, prior to the social bonds that exist between persons—though theorists disagree about the nature of this hypothetical individual, whether he (it's almost always "he") is defined by his pursuit of self-interest and security (Hobbes), his possession of natural rights (Locke), or freedom of will (Rousseau). What these theories hold in common can be seen especially in John Rawls' version of the social contract

[59] Stanley Hauerwas, "Preaching as Though We Had Enemies," *First Things*, May 1995, 48.

which imagines individuals deciding about the fundamental rules of society from an "original position" behind a "veil of ignorance" regarding the particularities that will define each of them once the rules have been agreed upon.[60] The view of the individual here is what Michael Sandel famously referred to as the myth of the "unencumbered self."[61] When human beings are imagined in this way, as basically "bundles of rights and preferences,"[62] then freedom is seen as the ability to choose between competing options.[63]

Such theories, according to Hauerwas, "entail a moral psychology that suggests if an agent is to be free she must be capable of 'standing back' from her own action so that she will not be fated by the past."[64] The liberal understanding of the autonomy of the individual, therefore, "requires the eradication of tragedy"[65] from our sense of human agency (a point to which we will return below). Echoing Kant, Hauerwas ironically claims, "chance or fate to the modern ethicist represents an irrational surd. We all know that morality must have to do only with those matters that we can do something about. Control, not chance, is the hallmark of the moral man."[66]

There is a second version of the liberal story of the self that Hauerwas sometimes tells. We might call this version the Hobbesian version, over against the Kantian/Rawlsian picture just described. According to the Hobbesian story, "'Liberalism' names those societies wherein it is presupposed that the only thing people have in common is their fear of death, despite the fact that they share no common understanding of death. So liberalism is that cluster of theories about society that are based on the presumption that we must finally each die alone."[67] Hobbes's account assumes

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[60] Cf., John Rawls, *A Theory of Justice*. Rev. ed. (Cambridge: Belknap Press of Harvard University Press, 1999). Hauerwas notes that "the story that we have no story except the story we chose when we thought we had no story" is "inspired by Rawls' account of the original position." See Hauerwas, "Hauerwas on 'Hauerwas and the Law,'" 250.

[61] Michael J. Sandel, "The Procedural Republic and the Unencumbered Self," *Political Theory* 12:1 (1984): 81-96.

[62] Carter, "Must Liberalism Be Violent?," 201.

[63] For a thinker like Kant, such freedom is necessary for moral laws to be coherent: because "ought implies can," in order to condemn an act it must have been possible for the agent to have acted otherwise (i.e., she must have had a "choice"). As Hauerwas points out, an understanding of freedom as the ability to choose between options can too-easily be bent toward the ends of capitalism—in other words, in a neoliberal capitalist society, one believes oneself to be free if one can choose "between and Sony and a Panasonic." See Hauerwas, "The End of American Protestantism," *ABC Religion and Ethics* (July 2, 2013).

[64] Hauerwas, "Hauerwas on 'Hauerwas and the Law,'" 241.

[65] Hauerwas, *Truthfulness and Tragedy*, 196. In Hobbes's version of the social contract, life in the "state of nature" is "nasty, poor, brutish, and short" because every individual exists in a "war of all against all" (*bellum onmium contra omnes*). Driven by the fear of death, each individual cedes certain rights (e.g., of retaliation) to a single sovereign power (the "Leviathan"). Cf., Thomas Hobbes, *Leviathan,* ed. G.A.J. Rogers and Karl Schuhmann (Bristol: Thoemmes Continuum, 2003).

[66] Hauerwas, *Truthfulness and Tragedy*, 200.

[67] Stanley Hauerwas and Charles Pinches, "Practicing Patience: How Christians Should Be Sick (1997)," in *The Hauerwas Reader*, edited by John Berkman and Michael Cartwright. Durham: Duke University Press, 2001, 353. Cf., Stanley Hauerwas, "Response to the 'Consensus Statement of the Working Group on Roman Catholic Approaches to Determining Appropriate Critical Care'," *Christian Bioethics: Non-ecumenical Studies in Medical Morality* 7:2 (Aug2001): 239-242; Stanley

that the fear of death and the desire for security are the driving motive behind social interactions. This fear of death is manifested politically in the authority granted to the state to wage wars (internationally) and enforce laws (domestically), but we can also see it in the extraordinary authority granted to the institutions of modern medicine and public health.

§3.2. The Medicine We Desire, The Medicine We Deserve

Given what has been said about "modern medicine" thus far, it would not be difficult to conclude that Hauerwas is "anti-medicine," or that he, in some sense, blames the medical profession for society's woes. In fact, nothing could be further from the truth. Hauerwas considers it "an extraordinary gesture"[68] that a group of people exists whose fundamental professional responsibility is to keep company with the sick. We should not forget the fact that those who are sick experience pain and suffering, which, by its very nature, threatens to bring about radical isolation.[69] Physicians, whose fundamental responsibility, according to Hauerwas, is to care for patients even when they cannot cure them, "are the bridge between the world of the ill and the healthy."[70] This responsibility is what makes medicine a "moral art." Moreover, Hauerwas sees medicine as one of the few remaining places in American society where one might see "what a substantive moral practice actually looks like."[71]

Hauerwas, *War and the American Difference: Theological Reflections On Violence and National Identity* (Grand Rapids: Baker Academic, 2011), 55-56; Hauerwas, *Dispatches from the Front*, 27-28.

[68] Hauerwas, *Suffering Presence*, 13.

[69] Thus, Hauerwas notes, "Our pains isolate us from one another as they create worlds that cut us off from one another…. Even within the world of illness there are subworlds that are not easily crossed… [Moreover,] Pain not only isolates us from one another, but even from ourselves… No matter how good willed we may be, we cannot take another's pain as our pain. Our pains divide us and there is little we can do to restore our unity." See Hauerwas, *Suffering Presence*, 76-77. Cf., Elaine Scarry, *The Body In Pain: The Making and Unmaking of the World* (New York: Oxford University Press, 1985).

[70] Hauerwas, *Suffering Presence*, 78. Elsewhere Hauerwas points to the religious origins of the modern hospital, which was created as an institution dedicated to being with the sick and dying, even though the ability to cure was quite limited at the time. "This is a reminder that medicine is not justified by the power to heal, but by the refusal to abandon those who are sick." See Hauerwas, "Finite Care in a World of Infinite Need," in *Christian Scholar's Review* 38:3 (2009): 332.

[71] Hauerwas, *Suffering Presence*, 13, 163. On this point, Therese Lysaught has offered a gentle criticism of Hauerwas, noting that such "surprising and important deference" to the office of medicine may reveal an insufficiently-critical tendency on Hauerwas's part to make medicine "the bearer of… MacIntyre's account of practice." Indeed, Lysaught wonders, "Does [Hauerwas] make medicine one of the fundamental carriers of his understanding of the moral life, finding confirmation of the presumption that, though it is under assault, virtue ethics does in fact remain instantiated in Western culture?" And, if so, does this confirmation bias in turn prevent Hauerwas from embracing a more full-throated Nietzschean or Foucauldian critique of medicine? See M. Therese Lysaught, "Hauerwas and the Redemption of Bioethics," in *Unsettling Arguments: A Festschrift on the Occasion of Stanley Hauerwas's 70th Birthday*, ed. Charles Pinches, Kelley S. Johnson, and Charles M. Collier, 151-170 (Eugene: Wipf and Stock Publishers, 2010).

Granted, we must at once note that the practice of medicine does not occur in a vacuum. It may be a substantive moral practice in its own right, but like all institutions it is influenced by the broader society within which it is practiced. In fact, medicine may be particularly susceptible to such influence, for the commitment to be present with those who suffer illness is incredibly difficult to uphold, argues Hauerwas, if it is not continually sustained by the practices of a substantive moral community.[72] Medicine cannot help but become distorted when set in the context of a culture that prizes freedom and autonomy above all else. If this occurs (and Hauerwas argues that it has), we should not rush to blame the medical establishment.

> No one can or should be blamed. The simple fact is that we are getting precisely the kind of medicine we deserve. Modern medicine exemplifies a secular social order shaped by mechanistic economic and political arrangements, arrangements that are in turn shaped by the metaphysical presumption that our existence has no purpose other than what we arbitrarily create.[73]

We have noted in previous chapters how various technological developments and institutional arrangements drive a type of medicine that places concrete decisions about the nature and timing of death in the hands of individuals who do not typically know how to bear their agency well. What has not been sufficiently recognized is the fact that "burdened agency," though often unwanted at the point of deciding, is largely a self-induced problem. The *expectations* placed upon medicine by patients explain the very much of our current moral situation. If the medicine we have "reflects who we are, what we want, and what we fear" and "the way we think about death,"[74] then "the fault lies with those of us who pretentiously place undue expectations on medicine in the hope of finding an earthly remedy to our death."[75] For "if we share anything as a people, it is that death ought to be avoided in the hope we can finally get out of life alive."[76]

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[72] What Hauerwas calls "something very much like a church." See Hauerwas, *Suffering Presence*, 65. Hauerwas draws attention to a few of the ways in which the Christian church may help sustain the practice of medicine. For one, to learn to be present with the suffering ill—and, we might add, to remember that this is the very essence of one's vocation—requires exemplars who "have so learned to embody such a presence that it has become the marrow of their habits. The church at least claims to be such a community, as it is a group of people called out by a God who, we believe, is always present to us" (80). Second, the church teaches us practices of memory. Given its "tragic" character, medicine faces the temptation to want to forget difficult things. According to Hauerwas, "Only a people trained in remembering, and remembering as a communal act, their sins and pains can offer a paradigm for sustaining across time a painful memory so that it acts to heal rather than to divide" (81). Finally, as the church teaches us to welcome the stranger in our midst, we learn to welcome and accept our bodies made strange by illness (82).

[73] Hauerwas and Pinches, "Practicing Patience," 354.

[74] Hauerwas, *Naming the Silences*, 98-99.

[75] Hauerwas, *Suffering Presence*, 68.

[76] Stanley Hauerwas, "Finite Care in a World of Infinite Need," 331.

§3.3. Medicine and the Project of Anthropodicy

Why, according to Hauerwas, do we burden medicine with such overblown expectations? Though there are probably many reasons for this, the main reason is that medicine has become the primary way of dealing with the problem of evil in a pluralistic, secular and therapeutic culture. "Theodicy," or the defense of God in light of the problem of evil, has long been a preoccupation of Christian theologians and philosophers. As scientific and technological capacity increased the scope of human power, and the God of Abraham, Isaac, Jacob, and Jesus is replaced by the God of Deism, theodicy gives way to anthropodicy. What needs to be justified in light of suffering is not God, but humankind. The suffering that is most problematic is the suffering we assume to be under our control. Natural disasters, of course, do not seem to qualify, but

> sickness is quite another matter. Sickness should not exist because we think of it as something in which we can intervene and which we can ultimately eliminate. Sickness challenges our most cherished presumption that we are or at least can be in control of our existence. Sickness creates the problem of 'anthropodicy' because it challenges our most precious and profound belief that humanity has in fact become god.[77]

Medicine, then, becomes one of the primary institutions—if not the primary institution—through which anthropodicy is channeled. If we have no way of recognizing meaning in suffering, or at least of reconciling ourselves with its ultimate intractability, then the anthropodical imperative becomes its elimination. This helps to explain the seemingly common-sense notion that whatever "we *can* do through the office of science and medicine we *ought* to do."[78] In this context, therapeutic medical intervention becomes completely self-justifying.

The turn to anthropodicy lies behind a fundamental distortion of medicine. For, as we have seen, Hauerwas considers the primary calling of the physician to be a calling of presence. But to the degree that medicine is loaded with anthropodical expectations, adequate "medical care" becomes equated with being able to bring about a "cure." Of course, caring and curing are not mutually exclusive acts, and, there are times (many, in fact) when the most caring thing a physician can do is

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[77] Hauerwas, *Naming the Silences*, 62. This is what Hauerwas means when, in another place, he writes that "*modern* medicine was formed by a modern culture that forced upon medicine the impossible role of bandaging the wounds of societies that are built upon the premise that God does not matter." See Hauerwas and Pinches, "Practicing Patience," 352. Hauerwas's account of "anthropodicy" is heavily indebted to Ernst Becker's *The Structure of Evil: An Essay on the Unification of the Science of Man* (New York: George Braziller, 1968).

[78] Hauerwas, *Naming the Silences*, 63.

help a patient achieve real healing. However, when the imperative to "cure" occludes a deeper responsibility to care, medicine becomes fundamentally distorted. For one, "as soon as it becomes clear that the doctor can no longer cure, he [or she] then retreats from the patient… Yet, properly understood, caring is the refusal to abandon the patient simply because he is dying."[79] As a result, those who cannot be cured tend to be isolated by the medicine that should, in principle, stand as a bridge between the worlds of the sick and the well. Additionally, when medicine is equated with curing, other goals of care (e.g., assisting the process of coping with incurable illness) are neglected. Not only that, but the equation of medicine with "curing" encourages physicians to view death as a "failure." Of course, there may be instances of death that result from medical failures (e.g., death as a result of negligence or ineptitude), but death *as such* is not a medical failure, it is a biological inevitability. To treat it as a failure of medicine is to burden medical professionals and patients alike with unrealistic, counterproductive, and sometimes harmful expectations.

§3.4. Killing Compassion

The assumption that, all things being equal, one *should* prevent suffering when possible will strike most of us as uncontroversial.[80] And yet, there are unintended consequences that arise from treating medicine in this way. For one, it virtually guarantees the perpetual expansion of technological interventions. For those who may have anxieties about the implementation or development of particular technologies, it is very hard to argue against the appeals to compassion and the prevention of suffering. Ironically, Hauerwas suggests, the very desire to eliminate suffering may, if we are not careful, have the effect of causing new, unintended forms of suffering. So, for example, an early essay of Hauerwas's explores the overtreatment of critically-ill neonates, cautioning against a "mercy grown overwhelming by technology."[81] Elsewhere Hauerwas declaims "the increasing subjection of our lives to a technology grown cruel by its Promethean pretensions."[82]

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[79] Hauerwas, *Vision and Virtue*, 180-181. Cf., Hauerwas, *Suffering Presence*, 78-79, 107: "Yet the fact that medicine through the agency of physicians does not and cannot always 'cure' in no way qualifies the commitment of the physician. At least it does not do so if we remember that the physicians basic pledge is not to cure, but to care through being present to the one in pain... The task of medicine is to care even when it cannot cure."

[80] This was the claim, for example, of ethicist Peter Singer, who posits the following premise supporting an "obligation to assist": "if it in our power to prevent something very bad from happening, without thereby sacrificing anything of comparable moral significance, we ought to do it." See Peter Singer, *Practical Ethics* 2nd Edition (New York: Cambridge University Press, 1993), 229.

[81] Hauerwas, *Truthfulness and Tragedy*, 182.

[82] Hauerwas, *Naming the Silences*, 64.

It is not the use of technology *per se* that is problematic. Neither is Hauerwas opposed to relief of suffering. But compassion can become an overriding virtue in a society that is unable to acknowledge the tragic nature of human existence. Moreover, it makes perfect sense that compassion has achieved self-validating status to those of us who live in liberal societies. For we are aware of our deep fragmentation regarding ultimate ends and objects of morality, and have a political system that claims agnosticism regarding such matters. Compassion, however, as Oliver O'Donovan has noted, is "a virtue of motivation rather than reasoning," which "presupposes that an answer has already been found to the question 'what needs to be done?'"[83] In other words, compassion sets the bar incredibly low regarding what must be agreed upon in order to affirm an action as praiseworthy.

However, Hauerwas, ever the contrarian, challenges the idea that compassion is an adequate and desirable guiding norm for social practices. One clue that compassion is not morally adequate, according to Hauerwas, lies in the way our society treats the mentally handicapped. We rightly lament the suffering that accompanies certain genetic disorders and cognitive disabilities, and we desire to minimize their impact. (Though, to be sure, it is easy to overestimate the amount of "suffering" that is experienced by someone with, for example, Down Syndrome or Autism Spectrum Disorder.) Such cognitive disabilities, however, are not like many other "diseases," for to "cure" the disability would have the effect of eradicating the very person herself. Of course, there is no widespread campaign for the practice of involuntary euthanasia of persons with cognitive disabilities.[84] There are, however, subtle pressures that are sometimes present in medical encounters, which may dissuade people, for example, from bringing a pregnancy to term once a prenatal diagnosis of Down Syndrome has been made. When, as in cases like these, we seek to eliminate the one who suffers in the name of the elimination of suffering, "compassion literally becomes a killer."[85]

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[83] Quoted in Hauerwas, *Dispatches from the Front*, 165-166.

[84] It is instructive, however, to consider Peter Singer's controversial defense of infanticide. For we have already mentioned Singer's utilitarian argument for an "obligation to assist," which may be read as an articulation of the principle of compassion that Hauerwas is critiquing. (So, for example, Hauerwas claims, "The philosophical name we give to this compassion as an ethical alternative is sometimes called utilitarianism"). Nevertheless, it is from this very system of ethics that we get one of the strongest arguments in favor of infanticide, and especially, of terminating the life of disabled newborn infants in cases when birth abnormalities "turn the normally joyful event of birth into a threat to the happiness of the parents, and any other children they may have" (*Practical Ethics*, 183). According to Singer, because such infants lack rationality, autonomy, and self-consciousness, it is permissible to consider other factors in one's moral evaluation of infanticide. If, then, from the perspective of the parents, the death of the child would be more a cause of relief than grief, then this may be counted as a reason *for* the acceptability of ending the child's life (183).

[85] Hauerwas, *Dispatches from the Front*, 165. The moral psychology involved in many such cases is exceedingly complicated and should not be oversimplified. Hauerwas notes how it is precisely our compassion—our fellow-feeling—which makes it difficult to be near those who suffer. In compassion, we recoil. But "in such circumstances our very humanity can be transformed into inhumanity as we recoil in hate against the other for revealing our helplessness. Our very humanity can force us to dehumanize the sufferer, because he reminds us too strongly of the fragility of the human condition. Such

Examples of such "killing compassion" are not limited to questions of abortion, but also apply to physician-assisted suicide and euthanasia.[86] It is no coincidence that such actions are often referred to as "mercy killings." The motivation of relief of suffering is constituent in the notion of euthanasia, as defined, for example, by both the Roman Catholic Church's Congregation of the Doctrine of Faith[87] and major professional codes of ethics.

There are, however, problematic assumptions at play in such efforts. It will be important to outline such assumptions and name what is problematic about them, but, if we are to follow Hauerwas, we must first attend to the particularities of the Christian narrative of suffering and death. For ethics, as Hauerwas demonstrates, must always begin *in medias res*. There is no neutral and non-historical starting point from which we could adjudicate such issues in the abstract. The way forward, if there is one, involves a very particular kind of casuistry, according to which "a tradition tests whether its practices are consistent (that is, truthful) or inconsistent in the light of its basic habits and convictions or whether these convictions require new practices and behavior."[88] These convictions, however, are not freestanding "ideas" or "beliefs," which may be detached from the formation of a particular community over time, as its members try to live in light of "the narrative that has bound [their] lives" together.[89] In the following section we will outline some of the elements of the Christian narrative, as articulated by Hauerwas, which are pertinent to our understanding of agency in dying, and of the relationship between the church and individual Christians in approaching end-of-life issues. In particular, we will explore Hauerwas's remarks on the nature and role of suffering in the Christian life, and on the nature and meaning of Christ's death in particular, as well as the virtues needed to die well.

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dehumanization is but the first step toward elimination" (Hauerwas, *Truthfulness and Tragedy*, 167). For more on such a response, see Robert Burt, *Taking Care of Strangers: The Rule of Law In Doctor-patient Relations* (New York: Free Press, 1979); Gilbert Meilaender, "I Want to Burden My Loved Ones," *First Things*. 16 (October 1991): 12-16.

[86] Hauerwas, *Dispatches from the Front*, 165.

[87] According to the CDF, "Ultimately, the word *Euthanasia* is used in a more particular sense to mean "mercy killing," for the purpose of putting an end to extreme suffering, or having abnormal babies, the mentally ill or the incurably sick from the prolongation, perhaps for many years of a miserable life, which could impose too heavy a burden on their families or on society. It is, therefore, necessary to state clearly in what sense the word is used in the present document. By euthanasia is understood an action or an omission which of itself or by intention causes death, in order that all suffering may in this way be eliminated." CDF, "Declaration on Euthanasia."

[88] Stanley Hauerwas, *The Peaceable Kingdom*, 120.

[89] Stanley Hauerwas, *The Peaceable Kingdom*, 120. This "casuistry" helps explain the importance, in the Christian tradition, of the lives of the saints. For this process "requires the imaginative testing of our habits of life against the well-lived and virtuous lives of others. It is from such testing that we learn what kinds of situations we may well have to anticipate as entailed by the narrative and community of which we are a part. Attending to such lives does not mean that we try to imitate others, thought certainly imitation may be useful, but by letting those lives form our own we learn what our particular way of embodying the story entails… we must let their lives imaginatively challenge our own" (121).

§4. Death, Suffering, and the Christian Story

§4.1. Dying for the Right Thing

How are Christians to understand death and suffering? What meaning can they find in the face of these things that will enable them to go on? Hauerwas is not a systematic theologian, so we should not expect anything so comprehensive as a "theology of death" from him. Additionally, given his critical comments regarding the project of theodicy, Hauerwas will nowhere offer an "explanation" of death that seeks to remove its offence. Nevertheless, the issues he writes about often require him to explicate aspects of the Christian narrative that bear on our understanding of death. Moreover, he does, at times, make more general observations about the way the Christian tradition has understood human mortality in light of its basic story.

For example, in an early essay, entitled "The Ethics of Death: Letting Die or Putting to Death?," Hauerwas acknowledges the prevalence of "moral reflection about death in terms of such issues as euthanasia and suicide," but notes, "there has been little sustained ethical reflection on death as a necessary aspect of our life project; such reflection is necessary if we are to be able to deal with death in its everyday form."[90] According to Hauerwas, one finds an ambiguous posture toward death in scripture. Death "is at once seen as an enemy yet accepted as necessary and natural aspect of our lives." This ambivalence "sets the boundaries for any general discussion of death."[91] On the one hand, the "message of the gospel does not remove the fact of our death," but rather "teaches us the appropriate kind of fear of death." In general, death is to be avoided and is rightly feared.[92] We cannot blithely claim that death is our friend, that it is good and welcome. Such platitudes betray a denial of tragedy. Though death is to be feared, however, "the proper fear of death can be perverted, especially if it takes the form of the ideology of the absoluteness of life."[93] Hauerwas is critical of appeals to the

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[90] Hauerwas, *Vision and Virtue*, 167.
[91] Hauerwas, *Vision and Virtue*, 177.
[92] According to Hauerwas, the fear of death brings about a paradoxical state of affairs. For, the fear of death brings about a "positive contribution to our living. Without death our lives would have no height or depth, for nothing is precious in a world that literally has time for everything… Death creates the economy that makes it necessary to choose between life projects… However, death's power to make our life precious is why we cannot grasp it to our bosom as a friend. For death paradoxically becomes the enemy of its own creation as it negates all it has taught us to love. Thus death is at once friend and enemy, brother and stranger. Any theological affirmation that overlooks either of these polarities will distort our ability to see our life as that destined and formed by death." See Hauerwas, *Vision and Virtue*, 177-178.
[93] Hauerwas, *Vision and Virtue*, 178. "Death creates the economy that makes it necessary to choose between life projects." Hauerwas will gradually leave behind the language of "life projects," which appears in his early essays. Nevertheless, the importance of the phrase in this quotation should not be overlooked, for it points to the fact that it is not "life" itself which has ultimate value (which would be an idolatrous position), but the ordering of life toward other goods.

"sanctity of life" when such appeals imply that a Christian believes that life is an end in itself. "No one lives just to live." Life is about more than mere biological functioning. The purposes of the Christian life are "determined by the purposes of God as manifest in the history of Israel and Jesus's cross and resurrection."[94]

The subordination of both life and death to a higher spiritual good is related to one of the guiding images in Hauerwas's work: that the Christian life is one of witness (*marturios*).[95] The primary goal of Christian life is not to make the world better, but to bear witness to the God who saved Israel from slavery and who raised Jesus from the dead. In bearing this witness, the church shows the world what it means to be "world," which is to say what it means to be ignorant and opposed to the truth of the gospel. The key insight is that Christian life has a performative and communicative aspect: the way of life of a Christian is to convey something about the narrative she takes to be true. But as the example of the martyrs makes vivid, this performative element can—and often is—as important in the way one dies as in the way one lives. The name martyr ("witness") is given to those Christians who meet their death faithfully rather than capitulate to a false story. This is the goal of every Christian. Thus, according to Hauerwas, Christians are primarily concerned not with extending life but with dying "for the right thing." Christians should not speak of "sanctity of life" in a way that implies that they believe "there is nothing in life worth dying for."[96] Rightly understood, "dying is not the tragedy but, from our point of view, dying for the wrong thing."[97] Indeed, one of the things that makes Christians distinctive is their recognition "that their deaths are not an unmitigated disaster" for "service to one another is more important than life itself."[98] Because of this, Christians, like the martyrs, should be marked by a "peculiar readiness to die."[99]

Hauerwas here echoes the "spirituality of martyrdom" elaborated in the conclusion to Chapter 3. There we emphasized the concept of martyrdom as "obedience unto death," expressed through a particular mode of agency we called "submissive receptivity." Hauerwas here draws the connection between the martyr's mode of agency and her view of death as neither a good thing in itself nor an

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[94] Stanley Hauerwas, "Religious Concepts of Brain Death and Associated Problems," *Annals of the New York Academy of Sciences* 315:1 (1978): 332.

[95] On Hauerwas's understanding of "witness," see Stanley Hauerwas and Charles Pinches, "Witness," in *Approaching the End: Eschatological Reflections on Church, Politics, and Life*, 37-63 (Grand Rapids: William B. Eerdmans Publishing Co., 2013).

[96] Hauerwas, "Religions Concepts of Brain Death and Associated Problems," 332.

[97] Hauerwas and Bondi, "Memory, Community, and Reasons for Living," 588.

[98] Hauerwas, "Finite Care in a World of Infinite Need," 332.

[99] Hauerwas, *Vision and Virtue*, 183. One little acknowledged consequence of this sort of disposition, according to Hauerwas, is a willingness to divert limited medical resources away from expensive, high-tech medical interventions aimed at marginal life-extension for the few, and reallocate such resources toward preventative medicine aimed at enhancing the quality-of-life for a broader range of people.

absolute evil. As Pinckaer's noted, what was central to martyr's spirituality was the way that their suffering was related to the suffering of Jesus Christ. Their suffering mirrored Christ's kenotic, self-emptying love. Hauerwas's understanding of martyrdom is likewise illuminated through his Christology—for Christology provides the key for understanding the martyr as the one's whose faithfulness is expressed through the ultimate act of dispossession. In the following section we will elaborate the nature of this Christ-shaped "ethic of dispossession."

§4.2. Hauerwas's Kenotic Christology

As mentioned, to treat death as an *absolute* and *utter* evil is not a scriptural position. This, however, is not a conclusion reached through general observation, but one that follows from the Christian narrative, and especially the life, death, and resurrection of Jesus Christ. This brings up the centrality of Christology to Hauerwas's understanding of both creation and ethics.[100] Though Hauerwas is not particularly known for attention to Christology,[101] Hays is correct in remarking that an emphasis on the centrality of Jesus Christ is "the deepest theme in [Hauerwas's] work, the consistent thread running through all his thought."[102] One essay, in particular, is important for understanding how Christology informs Hauerwas's understanding of suffering and death, for it explains how the nature of the Kingdom, revealed in Jesus Christ, is one of dispossession and patience that makes it possible to "live out of control."

"Jesus: The Presence of the Peaceable Kingdom" is the central chapter in, arguably, one of the central books in Hauerwas's corpus.[103] In this chapter, Hauerwas argues that essential to understanding the scriptural portrayal of Jesus is the theme of *imitatio Dei*, for "the very heart of

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[100] See Robert J. Dean, *For the Life of the World: Jesus Christ and the Church in the Theologies of Dietrich Bonhoeffer and Stanley Hauerwas* (Eugene: Wipf & Stock, 2016).

[101] Dean notes that Hauerwas has "admitted that he is 'not even sure what a "full-blown Christology" would look like,' nor does he believe 'in anyone having a well worked-out Christology.'" See Dean, *For the Life of the World*, 41. Quotations are from Stanley Hauerwas, *Matthew* (Grand Rapids: Brazos Press, 2006), 20; and Stanley Hauerwas, *Hannah's Child: A Theologian's Memoir* (Grand Rapids: W.B. Eerdmans Pub. Co., 2010), 59. See, also, his remark that "Christian ethics has tended to make 'Christology' rather than Jesus its starting point… [But] Christologies which emphasize the cosmic and ontological Christ tend to make Jesus' life almost incidental to what is assumed to be a more profound theological point" (*The Peaceable Kingdom*, 72-73).

[102] Richard B. Hays, "Foreword," *The Difference Christ Makes: Celebrating the Life, Work, and Friendship of Stanley Hauerwas*, ed. Charles Collier (Eugene: Wipf & Stock, 2015).

[103] On the centrality of the chapter, see Hauerwas's introductory remarks: "Everything I have done in this book has been preparation for this chapter… [All that precedes] have ben attempts to establish a framework that can help us understand the moral significance of Jesus' life, death, and resurrection" (*The Peaceable Kingdom*, 72). On the centrality of the book, see Hauerwas, *The Peaceable Kingdom*, xvi; also, Michael Cartwright, "Afterword," *The Hauerwas Reader*, 627; Dean, *For the Life of the World*, 50fn204.

following the way of God's kingdom involves nothing less than learning to be like God."[104] Hauerwas notes that the command to "be perfect, as your heavenly Father is perfect" (Matt 5:48) is not a command that Jesus invented, but draws upon "the long habits of thought developed in Israel through her experience with the Lord."[105] Israel understood its history in terms of God's saving acts toward the people of God, and their responsiveness to those acts. This responsiveness is constitutive of Israel's identity. "Israel is Israel… just to the extent that she 'remembers' the 'way of the Lord,' for by that remembering she in fact imitates God."[106] As this quotation indicates (in a way that should bring to mind Barth's divine command ethic), "imitation" here indicates less a direct equality of action (as if that were possible) than a *correspondence* of action. The people of God *reflect* God's character by remembering and responding in light of God's prior action. This mode of imitation was a communal act, incumbent upon every Israelite, but embodied in the major offices of prophet, priest and king.

According to Hauerwas, the earliest Christians understood Jesus as the "continuation of Israel's vocation to imitate God and thus in a decisive way to depict God's kingdom for the world."[107] This fact provides the crucial context for understanding the significance of the wilderness temptations. Will Jesus capitulate to "Israel's perennial desire for a certainty of her own choosing" by asserting himself as the prophet who, like Moses, can turn stone into bread? Will Jesus grasp at a worldly form of kingship by accepting dominion over the nations? Will Jesus act as the priest of priest, forcing "God's hand by being the sacrifice that God cannot refuse?"[108] In each of these cases Jesus is tempted by a form of *imitatio Dei*, which is distorted to the degree that it attempts to control one's destiny, rather than trust and respond to the God who has already proved trustworthy. Jesus's response to such temptations, however, demonstrates that true "imitation" of God comes by way of renunciation—especially, the renunciation of (a certain sort of) power. "Jesus's whole life… is a life of power that is possible only for one possessed by the power of God. But such a power, exactly because it is a genuine and truthful power, does not serve by forcing itself on others."[109] In fact, "the form of power which results from our being dispossessed of the powers currently holding our lives can come only as we freely give up those things and goods that possess us. But we do not dispossess

[104] Hauerwas, *The Peaceable Kingdom*, 75.
[105] Hauerwas, *The Peaceable Kingdom*, 76.
[106] Hauerwas, *The Peaceable Kingdom*, 77.
[107] Hauerwas, *The Peaceable Kingdom*, 78.
[108] Hauerwas, *The Peaceable Kingdom*, 79.
[109] Hauerwas, *The Peaceable Kingdom*, 80-81.

ourselves just by our willing, but by being offered a way of selfless power."[110] This is precisely what Jesus models and offers in the cross.

> In Jesus' life we cannot help but see God's way with Israel and Israel's subsequent understanding of what it means to be God's beloved. For God does not impose his will upon her. Rather he calls her time and time again to his way, to be faithful to the covenant, but always gives Israel the possibility of disobedience. It is thus in the cross that Christians see the climax of God's way with the world. In his cross we see decisively the one who, being all-powerful, becomes vulnerable even to being a victim of our refusal to accept his lordship.[111]

The cross, then, reveals the nature of the kingdom.[112] It is an apocalyptic in-breaking of the kingdom, which gives Christians eyes "to see the world… eschatologically."[113] The cross, however, is not separable and distinct from Jesus's life, but is its culmination and fullest expression. Jesus is the *autobasileia*, the Kingdom Himself, in life *and* death. One of the hallmarks of the kingdom, as revealed in the cross, is a trusting and faithful willingness to be dispossessed of all one has. This is not, Hauerwas cautions, to say that the cross stands as a "general symbol of the moral significance of self-sacrifice." Rather, "the cross is Jesus's ultimate dispossession through which God has conquered the powers of this world. The cross is not just a symbol of God's kingdom; *it is* that kingdom come."[114] In the next chapter, we will examine various interpretations of divine self-emptying in light of the

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[110] Hauerwas, *The Peaceable Kingdom*, 81.

[111] Hauerwas, *The Peaceable Kingdom*, 81. Cf., Hauerwas, *Matthew,* 58ff.

[112] Even more, Hauerwas argues, the cry of dereliction, in particular, reveals the nature of the kingdom. According to Hauerwas, "these words from the cross, and the cross itself, mean that the Father is to be found when all traces of power, at least as we understand power, are absent; that the Spirit's authoritative witness is *most clearly revealed* when all forms of human authority are lost; and that God's power and authority is to be found exemplified in this captive under the sentence of death." See Hauerwas, *Cross Shattered Christ: Meditations On the Seven Last Words* (Grand Rapids: Brazos Press, 2004), 64. Dean rightly highlights the deeply Lutheran overtones of *theologia crucis* in this passage. See Dean, *For the Life of the World*, 62.

[113] Hauerwas, *The Peaceable Kingdom*, 82.

[114] Hauerwas, *The Peaceable Kingdom*, 87. Emphasis added. For Hauerwas, salvation is effected precisely through this particular act of dispossession. On this point Hauerwas is particularly influenced by John Howard Yoder. Drawing on the work of Hendrikus Berkhof, Yoder explains the significance of the cross in the following way:

> On the cross [Jesus] 'disarmed' the Powers, 'made a public example of them and thereby triumphed over them'… It is precisely in the crucifixion that the true nature of the Powers has come to light. Previously they were accepted as the most basic and ultimate realities, as the gods of the world. Never had it been perceived, nor could it have been perceived, that this belief was founded on deception… Now they are unmasked as false gods by their encounter with Very god; they are made a public spectacle. Thus Christ has 'triumphed over them.' The unmasking is actually already their defeat… The concrete evidence of this triumph is that at the cross Christ has 'disarmed' the Powers. The weapon from which they heretofore derived their strength is struck out of their hands. This weapon was the power of illusion, their ability to convince us that they were the divine regents of the world, ultimate certainty and ultimate direction, ultimate happiness and the ultimate duty for small, dependent humanity. Since Christ we know that this is illusion.

See John Howard Yoder, *The Politics of Jesus: Vicit Agnus Noster* (Grand Rapids: William B. Eerdmans Pub. Co., 1972), 146-147. Quoted in Nathan R. Kerr, *Christ, History and Apocalyptic: The Politics of Christian Mission.* Eugene: Cascade Books, 2009, 142.

feminist critique of Daphne Hampson and others. For now, I will simply flag Hauerwas's particular version of *kenosis* as Jesus's dispossession of false and worldly forms of power—a dispossession which reflects and reveals God's own divinely gentle patience for human beings. The shape of this *kenosis* is deeply consonant with the version defended by Sarah Coakley as containing special potential for feminist theological reflection.

§4.3. The Ethics of Dispossession

For Hauerwas, the Christian life is a matter of learning to let one's life be conformed to the Kingdom, which means that "[d]iscipleship is quite simply extended training in being dispossessed."[115] While this may entail a willingness to part with material possessions, Hauerwas is not interested in advocating material poverty. What we are in most need of being dispossessed of is not our "things," but our compulsive need to be "in control." It is this need that causes us to turn to violence and coercion—the very principalities and powers over which Jesus triumphed in the Cross!—to secure our significance and safety. Because Christ's victory over the powers has been affirmed and vindicated in the resurrection, Christians have an eschatological confidence and hope that ultimate victory does not depend and cannot depend upon their own efforts. Therefore, "we can rest in God because we are no longer driven by the assumption that we must be in control of history, that it is up to us to make things come out right."[116] Not only are Christians dispossessed of control because of the eschatological victory of Christ, they are also dispossessed of control by the fact that they live as a forgiven people. The acceptance of forgiveness necessarily requires one to acknowledge one's guilt, to eschew self-justification, and to entrust oneself to another.[117]

The "essential link," according to Hauerwas, between the acceptance of forgiveness and the ability to live as a peaceable people, is the way in which the dispossession of control entailed in forgiveness provides a way to accept our historicity. For, "when we exist as a forgiven people we are able to be at peace with our histories, so that now God's life determines our whole way of being—our character. We no longer need to deny our past, or tell ourselves false stories, as now we can accept

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[115] Hauerwas, *The Peaceable Kingdom*, 86.
[116] Hauerwas, *The Peaceable Kingdom*, 87.
[117] Thus, Hauerwas claims, "To be forgiven means that I must face the fact that my life actually lies in the hands of others… Thus it is not accidental that Jesus teaches us to pray for our daily bread [and, we might add, to ask daily also for forgiveness]. We cannot live to insure our ultimate security, but must learn to live on a day-to-day basis." Hauerwas, *The Peaceable Kingdom*, 89.

what we have been without the knowledge of our sin destroying us."[118] Forgiveness invites us to make our lives our own by locating them within a broader story of Jesus's life, death, and resurrection, and the corresponding story of the worshipping community's response to this reality.

The ethical correlative of learning to live out of control is acquiring the "grace of doing nothing."[119] For Hauerwas, "doing nothing" will at times be the only faithful response available to the Christian who refuses to use violent or coercive means to insure a propitious outcome. "Doing nothing," however, is not to be equated with mere passivity—at least not in the way it is understood by Niebuhr and Hauerwas. For, as Niebuhr demonstrated, there are different forms of inactivity.[120] The Christian inactivity advocated by Hauerwas is a prophetic resistance to the powers, which relies for its coherence upon substantive theological commitments. As becomes clear to anyone acquainted with Hauerwas's works, his is paradoxically an active inactivity, a pugnacious peaceableness, a combative nonviolent witness.[121] For such a posture to be sustained, argues Hauerwas, requires a spirituality that acknowledges the tragic character of Christian existence, but also acknowledges the ultimate victory of Christ. Such a posture does not typically arise on its own, but must be cultivated. Especially important is the cultivation of the virtues of hope and patience:

> Christians must acquire a spirituality which will make them capable of being faithful in the face of the inexorable tragedies their convictions entail. A spirituality that acknowledges the tragic is one that is schooled in patience. As H. Richard Niebuhr suggested, our unwillingness to employ violence in order to make the world 'better' means that we must often learn to wait. Yet such waiting must resist the temptation to cynicism, conservatism, or false utopianism that assumes the process of history will result in 'everything coming out all right.' For Christians hope not in 'the processes of history,' but in the God whom we believe has already determined the end of history in the cross and resurrection of Jesus Christ. Without such a declaration, patience in the face of the tragic could as easily be but a stoic acquiescence to fate.

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[118] Hauerwas, *The Peaceable Kingdom*, 89.

[119] Hauerwas, *The Peaceable Kingdom*, 135. This phrase invokes the famous interchange between H. Richard Niebuhr and his brother, Reinhold Niebuhr, on whether "doing nothing" could be a theologically meaningful response to the Japanese invasion of Manchuria. See H. Richard Niebuhr, "The Grace of Doing Nothing," *Christian Century* 49 (March 23, 1932): 378-380; and Reinhold Niebuhr, "Must We Do Nothing?" *Christian Century* 49 (March 30, 1932), 415-417.

[120] For example, while the inactivity of the pessimist conveys and encourages cynicism or apathy, the inactivity of a morally indignant person conveys both dissatisfaction and a positive commitment to restraint. While the inactivity of the "conservative" (read "realist") conveys opportunism and self-interest, the inactivity of the communist conveys faith in the historical outworking of a materialistic vision of progress. This point may appear a bit convoluted. Niebuhr's point is that the communist takes the current realities as necessary, not in themselves (as the realist and pessimist), but as a necessary stage for the eventual triumph of the proletariat.

[121] Cf., Stanley Hauerwas, "The Non-Violent Terrorist: In Defense of Christian Fanaticism," and "No Enemy, No Christianity: Preaching between 'Worlds,'" in *Sanctify Them in Truth*, 177-200.

To recap: Hauerwas's *theologia crucis* gives rise to an ethic of dispossession—especially "being dispossessed of the illusion of security and power that is the breeding ground of our violence."[122] In much of his work, Hauerwas seeks to demonstrate how dispossession is a necessary precondition for living a life which is faithful to the gospel, especially in its commitment to nonviolence. The moral implications of dispossession, however, go beyond the issue of nonviolence.[123] I suggest that "dispossession" can be a rich source of theological reflection for considering the ethics of death and dying. For what is dying but a process of gradual and, eventually, total dispossession? The loss of physical strength and coordination, as well as mental and cognitive capacity, are clear examples of this. Even more, studies show that what people fear most of all in advanced old age and at the end-of-life is not pain and suffering, but loss of control.[124] The fear of dying is, in actuality, a fear of being dispossessed. Surely such dispossession is inevitably difficult and unpleasant, and, at times, harrowing and dreadful. Who can better face such a prospect than the Christian who has already undergone a life-long training in dispossession? Of course, this is true only to the degree that Christians have been shaped by the story of Christ's cross (which dispossesses us of the fallen and violent principalities and powers) and Christ's resurrection (which dispossess us of the desire to control the course of history), rather than the narratives of liberal modernity (which makes self-possession essential to personhood and dignity).

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[122] Hauerwas, *The Peaceable Kingdom*, 148. In order to forestall one obvious objection, a further point about the idea of dispossession is in order. It might be claimed that to reduce Christian discipleship to an idea like "dispossession" makes the mistake of portraying the Christian life as overly ascetic, world-denying, and grim. Perhaps there is something to this charge if we allow that Hauerwas is guilty of such a wholesale "reduction." But one cannot deny that dispossession is a recurrent theme in Christian spirituality. "Taking up one's cross," "dying to self," "crucifying the flesh"—these all refer to a spiritual process of "mortification" that should not be ignored. Furthermore, Hauerwas provides a cogent argument that the particular form of dispossession he advocates is intrinsically related to our capacity for joy:

> [For] nonviolence requires life-long training in being dispossessed of all that I think secures my significance and safety. And the irony is that the more we lose, the greater the possibility we have for living life joyfully. For joy is the disposition that comes from our readiness always to be surprised; or put even more strongly, joy is the disposition that comes from our realization that we can trust in surprises for the sustaining of our lives. Perhaps the most remarkable aspect of learning to live joyfully is that we learn to see the simple and most common aspects of our existence, such as our friends, our spouses, our children, as sheer gifts to which we have to right but who are nonetheless present to us. Thus just as surely as peaceableness is a training to be patient in the face of the tragic, it is also learning to live joyfully in the face of the tragic.

See, Hauerwas, *The Peaceable Kingdom*, 148.

[123] Dispossession may have metaethical significance. It is instructive to consider the treatment of Hauerwas's "ethics" above, in light of the idea of dispossession. When we do, it becomes clear that Hauerwas's postliberal, nonfoundationalist mode of reflection is an attempt to do ethics "out of control."

[124] See footnote 68 in Chapter 2 of this dissertation.

§5. Conclusion: Lessons from L'Arche for Christian Agency-in-Dying

As we conclude this chapter, let us briefly review where we have come from. We began with a review of Hauerwas's theological and ethical methodology—his prioritizing of description over decision, his emphasis on the interrelation of community and truthfulness, and his acknowledgment of tragedy in the moral life. These elements, I suggested (along with stylistic choices like his preference for the essay-form), reflected a deep commitment to a theological anthropology that recognizes and accepts "creaturely finitude." We then traced Hauerwas's political theology and his criticism of the philosophical assumptions of liberalism and modern medicine about human personhood, moral agency, and the place of suffering in the good life. Finally, we turned to Hauerwas's theology, noting the importance of martyrdom and Christ's kenotic self-dispossession for Hauerwas's theological ethics. This chapter has been building toward the Christological "ethic of dispossession" that unites the theological strands presented in the previous two chapters (i.e., the spirituality of martyrdom and the acceptance of creaturely finitude). We have all along been looking to articulate the Christian standpoint project in terms that could challenge and subvert the "modern social imaginary." This is because we have contended that this social imaginary lies behind the phenomenon of "burdened agency" we increasingly face today. Hauerwas has focused our attention on the relationship between the practices and formation of community and the grammar and language that precedes the concrete ethical dilemmas we encounter. In this final section, we turn to a community whose way of life and grammar have deeply influenced Hauerwas and which illustrates what it means to live an "ethic of dispossession."

It is hard to overstate the impression Jean Vanier and the L'Arche community has made upon Hauerwas.[125] For all his attention to the Church/world distinction and his robust ecclesiology, a common retort to Hauerwas is the following: "Show me this church of which you speak." Perhaps more than anywhere else, Hauerwas can (and does) point to L'Arche communities as "an example of what it means to be church."[126] For they represent for Hauerwas the type of community required to

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[125] L'Arche (The Ark) is a network of homes where persons with disabilities (often severe cognitive disabilities) live in close proximity and intentional community with others who assist them. For more on L'Arche, see Jean Vanier, *Community and Growth.* Rev. ed. (Bombay: St. Paul Pub., 1991); Jean Vanier, *Man and Woman God Made Them* (New York: Paulist Press, 2008); Kathryn Spink, *The Miracle, the Message, the Story: Jean Vanier and L'Arche* (Mahwah: HiddenSpring, 2006); James H Clarke, *L'arche Journal: A Family's Experience In Jean Vanier's Community* (Toronto: Griffin House, 1973).

[126] Michael Cartwright, "Stanley Hauerwas's Essays in Theological Ethics: A Reader's Guide," in *The Hauerwas Reader*, 633 fn.12.

sustain the practices and skills needed for "living gently in a violent world,"[127] virtues like patience, which is essential for living with those who are not mentally or physically agile. Of particular importance in his appreciation for L'Arche is the way in which the communities cultivate an awareness of vulnerability and dependence, not just for those within the community labelled "disabled," but for all. Hauerwas applauds the way Vanier and others highlight the importance of infancy and old age for understanding what it means to be human. For, though most of us do not have significant intellectual disabilities, we all experience infancy—and many will experience old age—along with the sense of vulnerability that accompanies it. These stages, according to Vanier, are the two "golden ages of our lives," for the "vulnerability we experience by being young or old creates the condition that makes the work of the Holy Spirit possible. To be young or old is to lack the means—as the disabled do—to disguise our desire to be loved. Yet that 'weakness' enables the Holy Spirit to act toward the young, old and the disabled in a special way."[128] L'Arche communities are communities of the joyfully dispossessed because their members cannot deny their neediness. Though L'Arche typically eschews the language of the medical lexicon, those who dwell within these communities are "patients" in the truest sense—for they are those who know and recognize themselves as *sufferers* of the limits of bodily creaturehood.

It would be difficult to overstate the significance of the virtue of patience for Hauerwas. Though Hauerwas repeatedly notes the interconnection of the virtues, he returns to patience again and again. Patience, it turns out, has direct implications, for Hauerwas, for the way Christians approach the use of health care at the end of life. For example, Hauerwas finds it morally significant that although medicine has become increasingly defined in terms of professionalism (e.g., the "professional-client relationship"), we have nevertheless generally retained the use of the term "patient." According to Hauerwas (and Charles Pinches) "the retention of 'patients' in medicine and the continued practice of patience by patients is key to the good practice of medicine."[129] Moreover, "Christians are called to be a patient people, in health and in sickness… If Christians are faithful, they will be… the most patient of patients."[130] Hence, the reason why Hauerwas finds L'Arche to be a

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[127] Stanley Hauerwas and Jean Vanier, *Living Gently In a Violent World: The Prophetic Witness of Weakness*. Downers Grove: IVP Books, 2008.
[128] Stanley Hauerwas, "What Love Looks Like: Vulnerability, Disability, and the Witness of Jean Vanier," *ABC Religion and Ethics*. March 12, 2015. Cf., Hauerwas, "Disability: An Attempt to Think With," in *Approaching the End*, 222-236; Xavier Le Pichon, "The Sign of Contradiction," in *The Paradox of Disability: Responses to Jean Vanier and L'Arche Communities from Theology and the Sciences*, ed. Hans Reinders (Grand Rapids: Eerdmans, 2010), 96.
[129] Hauerwas and Pinches, "Practicing Patience," 349.
[130] Hauerwas and Pinches, "Practicing Patience," 349.

picture of the church. Dispossessed of their need for control, Christians "have time" to let the other be other.[131] According to the authors, "if Christians have anything to offer, it is to be the patients who embody the virtue of Christian patience."[132] But Christians will not be patient in illness or at their dying if they have not first learned to be patient in health. Fortunately, "God has given us resources for recovering the practice of patience."[133] Among these are our bodies, complete with their finitude and fragility, their unwillingness and inability to simply bend themselves to our will in any and every situation. Second, we are given the gift of relationships and community. The "unavoidability of the other" provides not only an external limitation to my will, but an occasion to love the other as the one who fittingly confronts me with their own being.[134] Finally, we are given the gift of "time and space for the acquisition of habits that come from worthy activities." Such activities require time and attention, especially insofar as we learn to pass them on to our children by patiently providing the opportunity for them to learn from us. The Christian practice of patience also opens up into witness, for "[i]f Christians could be such patient patients… we might well stand as witnesses to our non-Christian neighbor of the truth of the story of God's patient care of God's creatures."[135]

As Christians learn the virtue of patience through the practice of dispossession, they become better prepared for the challenges that they are likely to confront in navigating the use of medicine at the end of life. In particular, they become the sorts of persons for whom the following collect from the *Book of Common Prayer* will become comprehensible:

> This is another day, O Lord. I know not what it will bring forth, but make me ready, Lord, for whatever it may be. If I am to stand up, help me to stand bravely. If I am to sit still, help me to sit quietly. If I am to lie low, help me do it patiently. If I am to do nothing, let me do it gallantly. Make these words more than words, and give me the Spirit of Jesus, Amen.

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[131] In this early essay, Hauerwas and Pinches argue that the Christian understanding of patience is premised on the patience of God—specifically, the patience involved in God's love (agape) in Christ. Quoting Yoder, they assert, "God's love for men begins right at the point where he permits sin against Himself and against man, without crushing the rebel under his own rebellion. The word for this is divine *patience*, not complicity" (356fn13). There is an intrinsic connection between the patience of God and God's dispossession of the power of violence and coercion effected in the cross.

[132] Hauerwas and Pinches, "Practicing Patience," 349. This emphasis on patient patience may seem to put the patient at a disadvantageous position, playing on the imbalance of power between physician and patient. The authors acknowledge that the language of patience is open to abuse, but rather than abandoning the virtue of patience, they seek instead to situate it in the narrative of the church: "Crucially, both Christian patience and obedience require the church for display. Without the kind of friendship, dependency, trust, and mutual nurturing imbedded in the worship of God, patience and obedience always risk the possibility of becoming malformed" (364fn32).

[133] Hauerwas and Pinches, "Practicing Patience," 364.

[134] For an illuminating essay on this, see Berndt Wannenwetsch, "Loving the Limit: Dietrich Bonhoeffer's Hermeneutic of Human Creatureliness and its Challenge for an Ethics of Medical Care," in *Bonhoeffer and the Biosciences: An Initial Exploration*, ed. R. Wüstenberg et. al. (Lang, 2009).

[135] Hauerwas and Pinches, "Practicing Patience," 365, 366.

"Doing nothing gallantly" only makes sense as an option when patients reject the desperate attempt to defeat death.[136] Christians should be able to see "that accepting the fatedness of our ending is a way of affirming the trustworthiness of God's care for us." As a result, the Christian "will not fight [her] death nor the death of others when it cannot be avoided." What is needed, and what Christians should have, is "a language of finitude, a way of talking decently about the limits of human life, a way of saying why and under what circumstances death is natural… it may be that we must be willing to die a good deal earlier"[137] than others.[138]

As Iris Murdoch insightfully noted, "at crucial moments of choice most of the business of choosing is already over."[139] The moral life includes far more than the decisions that we make—for Murdoch, what happens between dilemmas and decisions is far more important for the character of our action in the world. This is the point that has been driven home in the current chapter. Hauerwas draws together connections between notions of moral agency, virtue and formation, and narrative and communal practices. One question, however, remains. Namely, what are the prospects for virtuous formation that Hauerwas describes if the analysis offered in Chapter 1 is accurate. For if we experience our agency-in-dying in a particularly reflexive and individualistic way, it is at least partly because we struggle to make sense of our living and dying according to the norms and stories of stabilizing (what Zygmunt Bauman called "solid") institutions. And the reasons for such de-insitutionalization of dying are deeply entrenched. In Chapter 2, we suggested that the cultural transformation that is needed is best sought through ad-hoc, and persistent acts of "cultural poeisis" (e.g., re-narration) that remind people of the moral grammar that is already embedded within their communal practices, rather than the wholesale project of building separate (e.g., faith-based) institutions and social spaces. While not opposed to the latter, I agree with Ward that there are sufficient resources still latent in modern western culture for challenging the dominant social imaginary. Such resources are most salient when they are re-embedded within the narrative of a robust moral community. In the next chapter, we will turn to ecclesial practices in the Christian tradition, articulating their relation to notions of agency-in-dying that have been developed throughout this dissertation. In doing so we will note where such practices seem to offer resources for challenging the status quo.

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[136] Stanley Hauerwas and Gerry McKenney, "Doing Nothing Gallantly," in *Approaching the End*, 200-221.
[137] Hauerwas and Pinches, "Memory, Community, and the Reasons for Living," 587-588.
[138] Elsewhere, Hauerwas approvingly quotes Paul Ramsey: "there comes a time when to cherish and respect life means to care but *only* to care for the dying, no longer to oppose death, to accept its coming, to comfort and to keep company with the dying, not to prolong their dying but to make human presence in that solitude, never to desert them, to insure as much dignity as possible to the dying in their passage." See Hauerwas, *Truthfulness and Tragedy*, 182.
[139] Iris Murdoch, *The Sovereignty of Good* (London: Routledge, 2001), 36.

CHAPTER 6: CHRISTIAN STANDPOINTS, SUBVERSIVE PRACTICES, AND THE TASK OF RE-EMBEDDING

§1. Introduction: On Christian Practices

This dissertation began with an analysis of a moral phenomenon that seems to be increasingly common today. For many in the contemporary West, at least, the process of approaching death is one that is morally complex and confusing. Complexity and confusion about how to die, of course, is not exclusive to our own place and time in history. Nevertheless, I contend that in our contemporary moment, many of us will find ourselves burdened in a way that is specific to our context. This is what I have chosen to called "burdened agency" in dying. This term picks out the following two features: (a) we feel increasingly forced to make concrete choices regarding the timing and circumstances of our death (or the death of ones that we love); (b) such decisions are under the existential strain of reflexivity—for they must be made in a context where institutions that once may have provided guidance are generally weak and fragilized, while institutions that emphasize individualism and consumer choice are generally stronger (and, therefore, also largely invisible to us).

I then argued that "burdened agency" is reinforced by a complex web of assumptions that permeate the modern social imaginary—assumptions about personhood and agency, about dignity and control, about identity and authenticity, and about suffering and meaning. The relationship between this web of assumptions and specifically Christian notions of humanity, meaning, and identity is a complicated one. For, as we noted, many of the features of the modern social imaginary are rooted in Christian theological notions—though, many of these have now been transformed into a largely secular framework and narrative. Despite the seeming similarity and consonance of some of the elements of the modern social imaginary, I argued that several key features are undermined and subverted by Christian understandings of theological anthropology and human agency. Furthermore, I argued that these subversive notions of human agency are rendered especially salient when we consider the way in which various Christian thinkers have tried to work out a theological understanding of death and dying. It is in discerning how to relate to the fact of human mortality—and to our own particular deaths—that Christianity has articulated forms of agency that are not entirely consonant with certain assumptions of modernity.

The next three chapters (3-5), were an attempt to flesh out three Christian perspectives on death and dying that contribute to this alternative Christian standpoint. Though the tradition is quite diverse, I noted how, especially in the more theologically-attuned figures, Roman Catholic moral

theology develops a "spirituality of martyrdom," which defines human agency neither in terms of active-control or mere-passivity, but rather in terms of submission and receptivity to divine will and providence. In Karl Barth, I highlighted the notion of "creaturely finitude" and the gift of limits. Barth's account explains how death, though it appears to the individual as wholly unnatural and opposed to God, has indeed been redeemed through the death and resurrection of Christ, so that it can be experienced as not only, in some sense, natural, but also as the place of divine reconciliation. Death is one of the human limits without which sinners could not be in relationship with the Lord of Life. I then offered an account of Stanley Hauerwas's theology as a combination and culmination of these two strains of thought: a spirituality of martyrdom which takes seriously creaturely finitude. When these two notions are combined with John Howard Yoder's understanding of Christian non-violence and eschatology, they give rise in Hauerwas to an "ethic of dispossession" that informs his writings on medicine, suffering, and death.

In this final chapter, I want to return to a strand of thought introduced in Chapter 2: namely Ward's understanding of cultural transformation and religious practices. In this chapter I want to consider how some common Christian practices exhibit and inculcate forms of agency that subvert the assumptions of modern moral anthropology and the dominant social imaginary. The practices that I will examine include preaching, baptism, Eucharist, and silent prayer. It is not always well-appreciated that most of these practices have explicitly to do with death and dying. Therefore, we will give some attention to spelling out and making explicit theological understandings of death that are embedded in these practices. We will also note how the stance toward death carried in these practices provides resources for generating new imaginary significations about both agency-in-dying and human agency as such. Along the way, then, I will note where such practices have been leveraged or could be leveraged within the field of medicine or in ecclesial settings where dying persons' spiritual and other needs are met.

These ways of imagining agency in dying, I believe, can be fruitfully taken advantage of by those who are experiencing "burdened agency," for, in a sense, they each have to do with the dispossession of a certain form of control. Because such language can be harmfully marshalled by those who seek to oppress and exploit other people, it is important to be careful here. Therefore, I will outline some of the common concerns by way of a presentation of Sarah Coakley's feminist Christian theology of "power-in-vulnerability."

This chapter is about Christian practices and the effects that they can have on the practices of medicine and the social and ecclesial practices that surround death and dying.[1] The practices mentioned—though not all technically "sacraments"—each have a sacramental quality to them. They are each "outward signs of an inward grace," which effect what they signify. I want to be careful, however, to avoid the illusion that these religious practices can be understood primarily as Foucauldian "technologies of the self." Especially in this context, where the emphasis is on the way in which these particular practices can challenge our very notions of self-control and self-possession, such a misunderstanding would be critical. I urge caution lest we too easily find ourselves subsumed by scientific and technocratic assumptions that reduce the importance of such practices to whether they have achieved the status of "evidence-based clinical effectiveness" or not. Another danger, which is related to this one, is to reduce the scope of view to the very proximate relationship between certain practices and the moment of death[2]—as happens, for example, in certain studies of the effectiveness of prayer, anointing or viaticum for the well-being of dying persons. According to M. Therese Lysaught, "The power and importance of sacramental practices lie… not solely or primarily in their utilization in the immediate context of end-of-life care… [but rather] in the ongoing, lifelong immersion of Christians in these practices in the context of the church. Sacramental practices serve to form congregations and worshipers—in an ongoing, continuous, recursive way—to be the body of Christ in the world in their living, their working, and their dying."[3] Lysaught points out how, if we are not careful, sacramental practices can become subsumed to the modern narrative rather than the other way around.[4] Sacraments have an effect in the world, but they are not "health technologies."[5] Rather, the effect that we should hope to see is a more gradual, lifelong transformation on the level of comportment or posture. In Lysaught's words, "As we meet this love in the Eucharist and the

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[1] On the interrelationship between theology, liturgy, and ethics, see Oliver O'Donovan, "Liturgy and Ethics," *Grove Ethical Studies* 89 (1993); and Paul Ramsey, "Liturgy and Ethics," *Journal of Religious Ethics* 7:2 (1979): 139-171.

[2] As Allen Kellehear notes, "Our academic and clinical obsessions about affluent dying are also narrowly focused *at-point-of-professional-contact* with the dying… In stark contrast to these attentions, the unloved academic fact remains that the majority of time spent by the dying, as a proportion of social contact and activity, is outside episodes of professional care." See Allen Kellehar, "The Nature of Contemporary Dying: Obsessions, Distortions, Challenges," *Studies in Christian Ethics* 29:3 (2016): 274.

[3] M. Therese Lysaught, "Suffering in Communion with Christ: Sacraments, Dying Faithfully, and End-of-Life Care," in *Living Well and Dying Faithfully: Christian Practices for End-of-Life Care*. Edited by John Swinton and Richard Payne. Grand Rapids: William B. Eerdmans Publishing Company, 2009, 61.

[4] For Lysaught's critique of an "instrumentalist" understanding of the sacraments, see Lysaught, "Suffering in Communion with Christ," 64-66.

[5] Cf, Andrew Lustig, "Prescribing Prayer?," *Commonweal Magazine*, May 12, 2004.

sacraments, we are—by grace—transformed (act by act by act) into the image of Christ so that we, too, can incarnate that kenotic love in the world. God's love is to become the shape of our lives."[6]

The central narrative of the Christian faith revolves around a first-century Galilean peasant who, according to the Apostles' Creed, "suffered under [Roman Governor] Pontius Pilate, was crucified, died, and was buried…[and] descended to the dead." It should be no surprise that the central images and practices of the Christian faith also revolve around death—specifically, the singular death of this one who "died for us" (Romans 5:8; 1 Thessalonians 5:10; cf., Romans 8:34; Galatians 3:13; Ephesians 5:2; Titus 2:14; 1 John 3:16). Nevertheless, the significance of this fact for religious ethics is not generally appreciated.

Of course, Jesus's death may only be understood in light of his later resurrection. Christians do not celebrate Christ's death *as such*—and as Paul makes clear, the fact of the resurrection makes all the difference: "if Christ has not been raised, your faith is futile and you are still in your sins. Then those who have fallen asleep in Christ have perished. If in Christ we have hope in this life only, we are of all people most to be pitied" (1 Corinthians 15:17-19). But for all its importance, the resurrection does not minimize, but rather *illuminates*, the centrality of Jesus's saving death.[7] As the Apostle Thomas discovered in the upper room (John 20:24ff.), the Risen Christ bears the marks of crucifixion in his resurrected body. The Risen Jesus is eternally the Crucified One. And this is necessarily so, for nothing that has not died can be resurrected.[8]

Theologian Alan Lewis has drawn attention to the theological significance, beyond Jesus's *dying*, of Jesus's burial and descent—that is, of his *being dead*. In his posthumously published *Between Cross & Resurrection*, Lewis undertakes to hear the Christian story anew from the perspective of Holy Saturday.[9] From this vantage, Lewis emphasizes a radical affirmation of the totality of the incarnation, which is in no way "suspended" in the hours between cross and resurrection.[10] God was indeed in

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[6] Lysaught, "Suffering in Communion with Christ," 71.

[7] The iconography of the ancient Church powerfully depicts the centrality of Christ's death in its depiction of the Nativity. In many early Nativity icons, Mary is seen stooping over the infant Jesus who is swaddled in a manger. The location, however, is not in a stable, but in a cave. The manger looks suspiciously like a coffin and the swaddling clothes like grave-clothes. The message is clear, Jesus came to die—in fact, his entire life and incarnation is, in a sense, his subjecting himself to human mortality and suffering. Thanks to Joe Lenow for this point.

[8] C.S. Lewis, "Membership," in *The Weight of Glory: And Other Addresses* (New York: HarperCollins, 2000). For a similar articulation of this dynamic, see Rowan Williams, *Resurrection: Interpreting the Easter Gospel* (Harrisburg, PA: Morehouse Pub., 1994).

[9] Cf., Hans Urs von Balthasar, *Mysterium Paschale The Mystery of Easter* (Grand Rapids: W.B. Eerdmans Pub. Co, 1993); Eberhard Jüngel, *Death, the Riddle and the Mystery* (Philadelphia: Westminster Press, 1975).

[10] Animated by anxieties about "divine impassibility" and the dangers of "patripassianism" (i.e., any view that would ascribe suffering to God *as such*), Theodore of Mopuesta for example, suggested that "the Godhead was separated from the one

Christ (2 Corinthians 5:19) even while Christ lay dead in the tomb.[11] This admittedly inconceivable thought, according to Lewis, "forces us to think at deeper levels yet, of who God is and how God works: present-in-absence, and absent where most present; alive in death, and dead when most creative and life-giving."[12] The church has long taught that Jesus Christ is the definitive revelation of the nature of both God and humankind. "In the human nature of Jesus Christ, the Creator has come close to us, closer to us than we are to ourselves; for in becoming human, God has shown us the truth of humanness, the way of being fully human, as we never saw or lived it otherwise."[13] If, then, God was in Christ in the grave, then death cannot be wholly alien to God, and neither can it be wholly alien to us. On this basis, Lewis boldly claims "The New Testament story of the cross and empty tomb is the profound and dramatic confirmation of the Creator's Yes to our mortality."[14] This is in no way to deny the resurrection of Christ or the hope for New Creation, but rather to affirm both as an "eschatological surplus," which come as a matter of God's grace from above and beyond the possibilities inherent in creation.[15] As the gospel follows the logic of *superfluity* ("where sin increased, grace abounded all the more" Romans 5:20),[16] so the resurrection does not deny the reality of creaturely finitude and mortality, but affirms God's abounding creativity and life-giving presence on the far side of death.

Similarly, Shelly Rambo draws attention to the way in which "the redemptive narrative of cross and resurrection is often read in a linear fashion in which life (resurrection) is victorious over death."[17] Not only does this linear cross-resurrection narrative lend itself to triumphalism and supercessionism, she argues, it also often fails to "speak to the realities of traumatic suffering."[18] For trauma names suffering that "is not integrated" into one's understanding of the world. "Trauma is what does not go away."[19] It is an open wound, which reveals the continued experience of "death" in the midst of life. For this reason, Rambo, too, turns to Holy Saturday as a place of theologizing trauma. For both trauma

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who was suffering in the trial of death, because it was impossible for him to taste the trial of death if [the Godhead] were not cautiously remote from him." *Catechetical Homilies*, 8.9.

[11] Lewis stresses, "the empty tomb does not cancel out the cross or the occupied tomb, but rather confirms beyond all earlier doubt that *God* was there, upon that cross and in that tomb. Thus it is precisely Easter Sunday which establishes the shocking story of the Saturday: God's unity with the interred Jesus." See Lewis*, Between Cross & Resurrection*, 244.

[12] Lewis*, Between Cross & Resurrection*, 87.

[13] Lewis*, Between Cross & Resurrection*, 249.

[14] Lewis*, Between Cross & Resurrection*, 408.

[15] Lewis*, Between Cross & Resurrection*, 428.

[16] This point is made convincingly by Karl Barth, *Christ and Adam: Man and Humanity In Romans 5* (New York: Macmillan, 1968).

[17] Shelly Rambo, *Spirit and Trauma: A Theology of Remaining* (Louisville: Westminster John Knox Press, 2010), 6.

[18] Rambo, *Spirit and Trauma*, 7.

[19] Rambo, *Spirit and Trauma*, 2.

and Holy Saturday represent "the middle—the narrative site in which death and life are no longer bounded."[20] The gospel, according to Rambo, if it is to speak to the reality of trauma, "rests in the capacity to theologize this middle. It does not rest in either the event of the cross or resurrection [alone], but instead in the movements between the two."[21]

As we turn to the practices of the church, it will be important to follow Lewis's and Rambo's lead in giving Jesus's death its due. We will seek to "remain," as it were, within the tension of Jesus's broken body which tasted death on the behalf of humanity. In a society that consistently denies the reality of death, in which the dying are typically sequestered from the larger community, the fact that the Christian church so consistently brings to mind through its practices the death of Jesus is important. The spirituality which is inculcated through the Christian sacraments, spiritual disciplines, and other communal practices provides the starting point for considering how a Christian standpoint can generate new imaginary significations through the re-narration of the practices and scripts which are available to us in our dying and in our care for others at the end of life.

§2. The Ministry of the Word: Preaching and the "Prophetic Imagination"

Consider, for example, how the Christian sacraments of baptism and Eucharist shape the Christian imagination of death. John Calvin described the sacraments as "visible words,"[22] which is to say that they present a tangible and visible expression of the gospel proclamation (*kerygma*). They are means of grace, through which God seals the faith of the believer by the power of the Holy Spirit. What is the "word" made visible, and what does it have to do with our death and dying?

In the early church, certain church leaders were set apart for the purpose of "preaching the word of God." Rather than serve tables and decide disputes, they were to "devote ourselves to prayer and to the ministry of the word" (Acts 6:1-6). It is the responsibility of pastors to preach and teach the gospel as it is revealed in Scripture and interpreted throughout time. The Christian ministry is often referred to as a "ministry of word and sacrament." As it came to be understood, for example, in Reformed theology, the "ministry of the word" was the foundation for the "sacraments," though both are equally "means of grace" through which God unites us to Christ through the Holy Spirit. In the words of John Calvin,

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[20] Rambo, *Spirit and Trauma*, 7.
[21] Rambo, *Spirit and Trauma*, 6.
[22] Calvin, *Institutes* IV.xiv.1-6.

> The end of the whole Gospel ministry is that God … communicate Christ to us who are disunited by sin and hence ruined, that we may from him enjoy eternal life; that in a word all heavenly treasures be so applied to us that they be no less ours than Christ's himself. We believe this communication to be mystical, and incomprehensible to human reason, and Spiritual, since it is effected by the Holy Spirit [by whom] he joins us to Christ our Head, not in an imaginary way, but most powerfully and truly, so that we become flesh of his flesh and bone of his bone, and from his vivifying flesh he transfuses eternal life into us. To effect this union, the Holy Spirit uses a *double instrument, the preaching of the Word and the administration of the sacraments*… In the preaching of the Word, the external minister holds forth the vocal word, and it is received by the ears. The internal minister, the Holy Spirit, truly communicates the thing proclaimed through the Word, that is Christ…. so that it is not necessary that Christ or for that matter his Word be received through the organs of the body, but the Holy Spirit effects this union by his secret virtue, by creating faith in us, by which he makes us living members of Christ, true God and true man.[23]

The role of the pastor, is, in effect, to be a "truth-teller."[24] They are, first and foremost, to tell the truth about the human condition—as sinners reconciled to God in Christ. They are, like the eerily long index finger of John the Baptist in Grunewald's *Crucifixion*, to point to Jesus Christ. The ministry of the word is first a ministry of witness to the Christ-event. This event, however, involves not only a message of personal salvation, but also of cosmic redemption. The gospel touches on every area of human life—including its end! The pastor, then, should be prepared to speak about every aspect of human life in light of the gospel of Jesus Christ. As "truth-tellers," pastors should exhibit what Walter Brueggemann has called "the prophetic imagination." According to Brueggemann, "the task of prophetic ministry is to nurture, nourish, and evoke a consciousness and perception alternative to the consciousness and perception of the dominant culture around us."[25] In other words, the preacher is at the front-lines of "generating new imaginary significations" and "transformative practices of hope" that can challenge the dominant social imaginary. They do so by applying the claims of tradition and scripture to the current cultural realities in ways that *criticize* those realities and *energize* the imagination toward new realities.

I would propose that the very act of speaking about death and dying constitutes an act of prophetic witness in our own cultural moment, in which the topic remains, if not "taboo," then at least impolite or discomfiting. As it stands, the topic is not only widely neglected in broader society but also in church ministry and preaching. Of course, the death of Christ will certainly be mentioned,

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[23] John Calvin, "Summary of Doctrine Concerning the Ministry of Word and Sacraments," in *Theological Treatises*, ed. J.K.S. Reid (Louisville: Westminster John Knox, 2006), 170–77.
[24] Frederick Buechner, *Telling the Truth: The Gospel as Tragedy, Comedy, and Fairy Tale* (San Francisco: Harper & Row, 1977).
[25] Walter Brueggemann, *The Prophetic Imagination* (Philadelphia: Fortress Press, 1978).

as is only right and proper if the gospel is to be preached. For churches that follow the liturgical calendar, even more attention will be paid to Christ's death (through the celebration of Ash Wednesday, Holy Week, and Good Friday) than is typical in "low-church" settings. The naming and mentioning of Christ's death will go some way toward undermining the broader cultural silence about death and dying. But I am speaking less about the pastor's act of speaking of Christ's death than the pastor's (even more counter-cultural) act of naming and dwelling on the death which awaits us all. Do pastors have the courage to mention mortality, to acknowledge the existential weight and the fear of death that is secretly shared (perhaps unknowingly) by the persons sitting in the pews?

It seems not. Craddock et. al., have argued that the Christian church has effectively "outsourced" its care of the dying to secular, medical institutions, and has, as a result, lost its sense of competency and authority to speak publicly about death and dying.[26] Their study begins with a chilling series of narratives that tell the story of ten dying pastors—none of whom ever spoke publicly about their illness or coming deaths, and who therefore suffered alone. Even more surprising perhaps, Lucy Bregman has documented how explicit mention of death has become increasingly absent even in Christian funeral sermons.[27] Such complicity in silence surrounding death and dying is an implicit rejection of the preacher's responsibility to proclaim the gospel, for it subtly conveys the message that the gospel—whatever good it may do for you in terms of present guilt or heavenly bliss—has nothing to say when one finds oneself suddenly confronted with one's own or a loved one's mortality.

In this context, Craddock et. al. ask what I take to be the crucial question: "Should the pulpit wait until death arrives to say an appropriate word?"[28] To that question, they answer "God forbid it." Though death is not easy to speak about, neither are any number of complex social, interpersonal, economic, or political issues that may arise through the preaching of the word. "And if someone objects to sermons on death and dying with the argument that the pulpit is for good news and not bad news," the authors continue, "remind that person that silence on the subject is not good news."[29] The Latin maxim of Johannes Albrecht Bengal applies even here as well: *Te totum applica ad textum; rem totam applica ad te* ("Apply your whole self to the text; apply the whole thing to yourself").[30]

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[26] Fred Craddock, Dale Goldsmith, and Joy Goldsmith, *Speaking of Dying: Recovering the Church's Voice in the Face of Death* (Grand Rapids: Brazos Press, 2012).
[27] Lucy Bregman, *Preaching Death: The Transformation of Christian Funeral Sermons* (Waco: Baylor University Press, 2011).
[28] Craddock et. al., *Speaking of Dying*, 129.
[29] Craddock et. al., *Speaking of Dying*, 129-130.
[30] This was the inscription Bengal included at the beginning of his edition of the New Testament. Quoted in Giorgio Agamben, *State of Exception* (Chicago: University of Chicago Press, 2005), 40.

There are two important implications that arise from the pastor's willingness to speak of death and dying from the pulpit. First, in doing so the pastor teaches and models what it means to speak of death publicly, without embarrassment or fear. It can be quite relieving to hear someone name something that you feel, but cannot say. The pastor thus gives permission to the congregants to think about and to talk about their own worries, fears, questions, and hopes regarding death and dying. When the pastor's act of "truth-telling" enables others to participate in such "truth-telling," then there is a real possibility for a "prophetic imagination" to arise: simply by its willingness to speak openly and fearlessly about mortality, the church implicitly *criticizes* the dominant social imaginary that says that death is the ultimate failure of human agency, and *energizes* an alternative communal expression of solidarity in the face of mortality. But, as Craddock et. al. point out, "if the pulpit is silent, the congregation is usually silent, and in that silence hurt is not healed but deepened and extended."[31]

Beautiful things can occur when the congregation is enabled and energized to speak publicly about death.[32] For one, it becomes possible for congregation members to hear, and begin to meet, one another's needs. A physician, hospice-worker or lawyer can feel empowered to lead a workshop on completing advance directives, for example. Or a deacon can feel empowered to ask an older parishioner whether she is lonely and needs some company. Beyond these examples, there are also the examples of a counter-cultural openness and transparency with the dying process itself. One such example is that of Kara Tippetts. Tippetts, a homemaker and mother of four, began telling her story on her "mommy-blog" *Mundane Faithfulness*, before she was ever ill. When she was diagnosed with terminal breast cancer in the summer of 2012, she decided to use her blog to share her difficulties and struggles with others. The blog, later edited into a book called *The Hardest Peace*, was sometimes painfully open and transparent about the difficulties of navigating health-care decisions, managing pain and suffering, working through grief and doubt, all while raising four children and helping her husband plant a church. In word and deed, Tippetts exemplified a "prophetic imagination" as regards facing mortality—even to the point of publishing a gentle, but challenging open letter to Brittany

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[31] Craddock et. al., *Speaking of Dying*, 131. But how, exactly should the preacher speak of death? Craddock et. al. give the following suggestions: (a) assume your listeners are acquainted with death and dying; (b) think through your own theology of death and dying; (c) steep your words in Scripture; (d) enlist the congregation in help though the liturgy; (e) and lead the congregation in lament, utilizing the rich resources of lament in Scripture.

[32] This is true about the pastor's willingness not only to *speak* about death and dying, but to demonstrate in her own life an openness to mortality. For a powerful example of one such witness, see the account of Cardinal Bernardin, who, while dying of cancer proclaimed, "Probably the most important thing I could do for the people of the Archdiocese—and everyone of goodwill—would be the way I prepare for death." According to Bernardin, "My decision to discuss my cancer openly and honestly has sent a message that when we are ill, we need not close in on ourselves or remove ourselves from others. Instead, it is during these times when we need people the most." See *The Gift of Peace: Personal Reflections by Joseph Cardinal Bernardin* (New York: Doubleday, 1998), 136, 94.

Maynard, a 29-year-old woman who had recently begun a high-profile "right-to-die" publicity campaign in order to procure access to physician-assisted death.[33]

The second implication that arises from the pastor's willingness to speak openly and publicly about death and dying, especially from the pulpit, is that it communicates the *importance* of telling the truth about death in other contexts as well. This "truth-telling" extends to the clinic, where both doctor and patient can be sometimes tempted to speak in euphemisms, circumlocutions, or even to avoid the subject altogether.[34] This "collusion" often results in misunderstandings of diagnoses and prognoses, as well as the (mis)application of high-tech (and sometimes not clinically indicated) treatments.[35]

§3. Baptism: The First Act of Christian Martyrdom

Baptism is one of the central rites of the Christian church. The symbolism associated with baptism is complex and multilayered—with differing emphases across various denominations and traditions. For some, baptism primarily represents initiation into the people of God, the church, in much the same way that circumcision did among the Old Testament Hebrews (cf., Colossians 2:11-12). Others emphasize cleansing and renewal through the washing away of sin (cf., Acts 22:16). Still others see in baptism a clear expression of the unity of the church hidden in Christ (cf., Ephesians 4:5; 1 Corinthians 12:13). Despite this multiplicity of meanings, I would argue that the central, controlling metaphor of baptism is the believer's "dying and rising" in Christ.[36] "Do you not know that all of us who have been baptized into Christ Jesus were baptized into his death? We were buried therefore with him by baptism into death, in order that, just as Christ was raised from the dead by the glory of the Father, we too might walk in newness of life. For if we have been united with him in a death like his, we shall be

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[33] In it she thanked Maynard for being open with her terminal illness and the suffering and fear that it brought about. But she also challenged her to rethink her assumptions about dying: "You have been told a lie. A horrible lie, that your dying will not be beautiful. That the suffering will be too great… I get to partner with my doctor in my dying, and it's going to be a beautiful and painful journey for us all. But, hear me—it is not a mistake—beauty will meet us in that last breath." See http://annvoskamp.com/2014/10/dear-brittany-why-we-dont-have-to-be-so-afraid-of-dying-suffering-that-we-choose-suicide/

[34] Anne-Mei The, et. al. "Collusion in doctor-patient communication about imminent death: an ethnographic study," *BMJ* 321 (2000):1376–1381. See also, Atul Gawande, "Letting Go," in *The New Yorker* August 2, 2010.

[35] See, e.g., Theresa Drought and Barbara Koenig, "'Choice' in End-of-Life Decision Making: Researching Fact or Fiction?" *Gerontologist* 2002 October; 42(Special Issue 3): 114-128, and Chung, Grace S, et. al. "Predictors of hospitalised patients' preferences for physician-directed medical decision-making" in *Journal of Medical Ethics* 38:2 (2012):77-82.

[36] On the symbolism of dying and rising in the baptismal practice of the early church, see Everett Ferguson, *Baptism In the Early Church: History, Theology, and Liturgy In the First Five Centuries* (Grand Rapids: William B. Eerdmans Pub. Co., 2009). Cf, J. Patout Burns. "Baptism as Dying and Rising with Christ in the Teaching of Augustine," *Journal of Early Christian Studies* 20:3 (2012): 407-438. https://muse.jhu.edu/ (accessed January 20, 2017).

united with him in a resurrection like his" (Romans 6:3-5). Baptism is a putting to death, a burial (Colossians 2:12) of the sinner—only on the far side of which is new life found. Jesus himself spoke of his own coming death as his "baptism," in which his disciples would share through their own suffering and death (e.g., Matthew 20:22-23; Mark 10:38-39; Luke 12:50).[37] In the characteristically powerful words of Martin Luther,

> Your baptism is nothing less than grace clutching you by the throat: a grace-full throttling, by which your sin is submerged in order that ye may remain under grace. Come thus to thy baptism. Give thyself up to be drowned in baptism and killed by the mercy of thy dear God, saying: 'Drown me and throttle me, dear Lord, for henceforth I will gladly die to sin with thy dear son.[38]

Submerged beneath the waters, we die; lifted out of the water, we arise to new life. We rise, also, to a completely new identity. The identity change that is signified by baptism is drastic and total—it is no less than a death and rebirth, a new creation (2 Corinthians 5:17). The baptismal identity is "eccentric," fundamentally defined by one's relation to Jesus Christ, rather than the self. The baptized Christian is baptized into *Christ's* death, to arise in *Christ's* resurrection—in short, her new identity is thoroughly *in Christ*.[39] Therefore, Rowan Williams describes the church as the

> community of those who have been 'immersed' in Jesus' life, overwhelmed by it…[The baptized] have disappeared under the surface of Christ's love and reappeared as different people. The waters close over their heads, and then, like the old world rising out of watery chaos in the first chapter of the Bible, out comes a new world. So when the Church baptizes people, it says what it is and what sort of life its people live.[40]

Elsewhere, Williams draws together the connection between baptism, death and identity by arguing that baptism confers a martyrial identity on the Christian.[41]According to Williams, incorporation into

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[37] Alan Lewis points to Jesus's association of his death with baptism in order to explain what was occurring at Jesus's own baptism by the hands of John the Baptist. Though Jesus was sinless, he accepted this "baptism of repentance" in solidarity with sinful humanity. "This repentant baptism at his ministry's beginning is a prolepsis of what occurred at its end on Calvary and in the tomb. Christ's whole ministry, indeed, was an extended baptism, plunging deeper and deeper into the waters of our wickedness and weakness" (Lewis, *Between Cross & Resurrection*, 447). "As water drowns, the Son of God was baptized unto death, so that those who participate through baptism in his new life may only do so as sharers first in his own burial and grave… Baptism is thus a stark reminder of captivity and death" (Lewis, *Between Cross & Resurrection*, 396). Though Lewis does not mention the fact, the association with water and chaos was at least as strong as the association between water and cleansing in the social imaginary of Second Temple Judaism. See, Sherri Brown, "Water Imagery and the Power and Presence of God in the Gospel of John," *Theology Today* Vol. 72:3 (2015): 290.

[38] Martin Luther, as quoted in Karl Barth, *Epistle to the Romans*, 194.

[39] Baptism, according to Lewis, is "the seal of our repentance and rebirth our death with Christ and union with his resurrection *which is our new identity*" (Lewis, *Between Cross & Resurrection*, 447, emphasis added).

[40] Rowan Williams, *Tokens of Trust: An Introduction to Christian Belief* (Norwich: Canterbury, 2007), 112.

[41] The following paragraphs are deeply indebted to Mark S. Medley's article, "'Always Carrying in the Body the Death of Jesus': Baptism, Martyrdom, and Quotidian Existence in Rowan Williams' Theology," *Anglican Theological Review* 94:3 (2012): 475-493.

Christ's body (i.e., his death and resurrection) is not simply a personal or ecclesial act, but also a political act. The baptismal identity is one that witnesses to the lordship of Christ rather than the lordship of the empire. In the context of the ancient church, such a declaration of loyalty could get you killed. Baptism, as placing one's life and future in the hands of the crucified and risen lamb, is an act which finds its final expression in what we now call "martyrdom." It is "for the specific commission to die at the hands of the powerful of this earth, to realize God's power through the gift of one's own life to him…, so that the washing of the convert becomes an identification with [Jesus'] death, [his] gift and [his] empowering" to be faithful unto death.[42] As Therese Lysaught notes, "baptism prefigures… martyrdom" just as martyrdom, the "second baptism," perfects and completes the baptismal identity.[43]

What does such a kenotic, martyrial existence look like in the mundane realities of the everyday? There is no way to comprehensively determine the answer to that question in an *a priori* fashion. It must be discerned by the individual Christian as she navigates the particular circumstances of her situation and context. We can, however, point out obvious tensions which exists between the martyr's view of agency and the understanding of agency Charles Taylor describes as typical for the modern identity. The latter is predicated on an association between human dignity and the efficacious control of nature and the material world, which allows for the minimization of the effects of natural contingency and the possibility of suffering. "The martyr's agency," according to Brad Gregory, "depended on relinquishing control, their strength upon a naked admission of their utter impotence and total dependence upon God."[44] Medley suggests the correlate to such dependence is "the full acceptance of the risky nature of pursuing faithfulness to Christ in this world as pledged in the baptismal pool… [and] requires that the believer learn to renounce expectation of the world."[45] It is quite possible that faithfulness could require choices of Christians that seem at odds with prevailing "wisdom" and ideological assumptions. For example, it may be the case that Christians choose to

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[42] Rowan Williams, "The Nature of a Sacrament," in *On Christian Theology* (Oxford: Blackwell Publishers, 1999), 204. Quoted in Medley, "Baptism, Martyrdom, and Quotidian Existence in Rowan Williams' Theology," 477.

[43] See M. Therese Lysaught, "Witnessing Christ in Their Bodies: Martyrs and Ascetics as Doxological Disciples," *Annual of the Society of Christian Ethics* 20 (2000): 248. Quoted in Medley, "Baptism, Martyrdom, and Quotidian Existence in Rowan Williams' Theology," 491.

[44] Brad S. Gregory, *Salvation at Stake: Christian Martyrdom in Early Modern Europe* (Cambridge: Harvard University Press, 1999), 132. Quoted in Medley, "Baptism, Martyrdom, and Quotidian Existence in Rowan Williams' Theology," 479. The martyr, Medley elaborates, demonstrates "'an *unwillingness* to grab bold of a hand on history and a *willingness* to accept the cost of this decision.' The logic of such a witness is 'the antithesis' of 'self-directed choice'" (479), quoting both David Toole, *Waiting for Godot in Sarajevo: Theological Reflections on Nihilism, Tragedy, and Apocalypse* (Boulder: Westview Press, 1998), 215, and Chris K. Huebner, *A Precarious Peace: Yoderian Exploration on Theology, Knowledge and Identity* (Scottsdale: Herald Press, 2006), 139.

[45] Medley, "Baptism, Martyrdom, and Quotidian Existence in Rowan Williams' Theology," 484.

continue upholding the moral importance of the distinction between killing and letting die (even though such a distinction has been challenged philosophically and is difficult to apply in particular contexts),[46] if only to preserve the sense that instrumental and efficient control need not extend over any and every aspect of our living and dying.

Another point of tension arises with respect to the concept of "identity." As we have seen, within the expressivist strand of the modern social imaginary, at least, authenticity is a central value. Baptism, however, expresses the fact that, theologically understood, the Christian identity is "eccentric"—derived from without rather than within.[47] Christ's life, death and resurrection is, mysteriously, more fundamental to my identity—if, indeed, I am in Christ—than my own "deepest" sense of self. This is not to say that Christianity is against authenticity. But it may challenge the notion that appeals to authenticity in arguments about physician-assisted suicide or in hospice practices should constitute "hypergoods" which trump, for example, more communitarian concerns. For example, Michael Banner argues that the common rhetorical trope of "death before death," most commonly applied to persons with advanced Alzheimer's disease, "risks perpetuating a culturally influential, yet very limited notion of what constitutes the presence or continuation of selfhood."[48] We sometimes say of such persons, "He is a shell of his former self," or "It's as if mother is no longer there." But Banner draws on anthropologist Janelle Taylor to make the point that care for Alzheimer's patients is, in fact, marked by the practice of continued recognition—even, perhaps especially, in cases when the patient has lost the ability to recognize others.[49] Sometimes with great personal difficulty, family members continue to spend time with the person with Alzheimer's, treating them according to the values and preferences they have previously held. We make sure that Grandma has her favorite perfume each day, or that Grandpa is able to shave himself or wear his favorite lapel pin.[50] We continue to use personal names, honorifics or nicknames as we address loved ones. In everyday practices of

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[46] See, e.g., the discussion in Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics* 6th Ed. (Oxford: Oxford University Press, 2008), 172-185.

[47] For a magisterial treatment on this theme see David H. Kelsey, *Eccentric Existence: A Theological Anthropology* (Louisville: Westminster John Knox Press, 2009).

[48] Michael Banner, "Scripts for Modern Dying: The Death before Death We Have Invented, the Death before Death We Fear and Some Take Too Literally, and the Death before Death Christians Believe in," in *Studies in Christian Ethics* 29:3 (2016): 252. Banner makes this particular point in a critical commentary on the movie *Still Alice*, but it applies to the language of "death before death" more generally as well. Cf, Richard Holton, "Memory, Persons, Dementia," *Studies in Christian Ethics* 29:3 (2016): 256-260.

[49] J.S. Taylor, "On Recognition, Caring and Dementia," *Medical Anthropology Quarterly* 22:4 (2008): 313-335.

[50] Personal hygiene and maintaining a clean appearance was a central part of my wife's grandfather's identity. When he was dying in hospice, her family accumulated a half-dozen electric razors so that, no matter where he found himself in his apartment, he would be able to find a way to shave. For more on the process of "upholding identity," see Hilde Lindemann, *Holding and Letting Go: The Social Practice of Personal Identities* (Oxford: Oxford University Press, 2014).

care, we are able to uphold the patient in her identity, in a way that is analogous with God's upholding of our own identity.[51]

A final tension worth noting regards differing evaluations of natural limits, though decidedly less so with respect to the expressivist strain of the modern identity. Mark Medley describes how Williams applies the logic of baptismal identity in the quotidian realities of daily life, by shifting the emphasis from a heroic act to a "non-dramatic" spiritual discipline: "While literal martyrdom is a political and spiritual act which fulfills the baptismal confession, martyrdom can also be understood as a spiritual discipline, a form of *askesis* that calls Christians to adjust one's bodily existence in the world so as to perform the radically new way of life that God has wrought in Christ's *kenosis*."[52] We might say that the baptismal identity results in what Nathan Kerr has called a "sociality of dispossession."[53] If this is correct, then I believe renewed attention to the symbolic logic of baptism could generate new imaginary significations regarding the process of dispossession we call "aging" or "old age." Returning to Banner, "the problem with our long dying in general is just, of course, that it seems like death in slow motion: we are totally undone by death, but in our long dying, we are undone bit by bit."[54] The long-dwindling that increasingly characterizes death is a process of moving toward dependencies and away from capabilities. It is a process of surrender. But the "surrender of the self" is nothing new to a baptismal people. They have already surrendered to "death before death," both in the event of baptism itself and in the living out of their baptismal and martyrial identity. Gracefully accepting the dispossession of old age because one has already been dispossessed of self in baptism is a form of martyrdom for the church today. For the church to embrace this "transformative practice of hope" would challenge dominant cultural assumptions about aging and disability. But it would require the courage of our older persons to age publicly, so that their example of graceful dispossession can truly stand as a *witness* for the edification of the Church. What would it mean to imagine old age as the "second baptism" of Christian martyrs?

For the Christian who has already suffered the most relevant death in being buried with the Crucified Jesus through baptism, the rest of life takes on the character of super-abundance and gift. In all of these ways, every baptized Christian brings her baptismal identity to bear on her professional roles and responsibilities, as well as her familial, social, and personal relationships. As Ward reminds

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[51] Such is one of the central arguments of John Swinton, *Dementia: Living in the Memories of God*.
[52] Medley, "Baptism, Martyrdom, and Quotidian Existence in Rowan Williams' Theology," 479.
[53] Nathan R. Kerr, *Christ, History and Apocalyptic: The Politics of Christian Mission* (Eugene: Cascade Books, 2008), 195. Quoted in Medley, "Baptism, Martyrdom, and Quotidian Existence in Rowan Williams' Theology," 480.
[54] Banner, "Scripts for Modern Dying," 254.

us, though baptism signifies an identity change that is so total as to constitute a death and rebirth, we should not therefore conclude that it erases all other "standpoint projects" we might find ourselves implicated in. As a standpoint with "transcendent significance," however, the identity conferred through baptism critically shapes and constrains the prevailing identity markers of the modern social imaginary.

This brings up an important question: if baptism is a singular action, not to be repeated, is it possible for it to truly do the work of altering our self-understanding in such a profound manner? This question is especially acute for traditions that affirm infant baptism, for how, exactly, is baptism supposed to challenge dominant social imaginaries if one cannot even remember it happening! A theological response might begin by alluding to the work of the Holy Spirit, which cannot be anticipated or controlled, but which is associated with baptism throughout the New Testament. Baptism is not a "technology of the self" so much as a "means of grace."[55] Nevertheless, the church has long emphasized the "remembrance" of baptism as a theological practice. This does not refer to a remembrance of the actual event, but rather the remembrance of the fact that one has been baptized, calling to mind all that is entailed by it. In some denominations, such remembrance is aided by the lighting of a baptismal candle each year on the anniversary of one's baptism. Another aid to such remembrance is the regular public performance of baptism—especially, when such a performance becomes an occasion for repeating and affirming baptismal vows. We might ask what it would mean for the performance of baptism and reaffirmation of vows to be truly public? And a related question we might pose is, what would happen if we tried to bring the practice of baptism into the clinic? One problem with such an idea is that it would most likely be messy and quite disruptive! Perhaps, however, it is in the very disruption of medical and technological efficient that the practice of baptism speaks its prophetic word.[56]

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[55] For a discussion of the difference between a Christian understanding of practices and virtue formation and an Aristotelian understanding which does not account for the work of the Holy Spirit see N.T. Wright, *After You Believe: Why Christian Character Matters* (New York: HarperOne, 2010).

[56] Verhey and McCarty suggest something similar with reference to hospital visitations: "By accepting the medicalization of death, Christians learn to ship off their dying to hospital beds and ICU units, abandoning them to the medical experts under the guise of promoting professional help. While many of the advances of modern medical care are to be applauded, this privatization of death is a terrible force that must be resisted. Simply put, we are not meant to die alone. We must learn what it means to live and to die together as fellow Christians. In doing so, we begin with a seemingly straightforward task, to visit the sick and dying. However, when done well, this practice is an act of political witness that disrupts the cruel collusion of the privatization of death and religious belief. By transforming death and dying into public acts, we open up space for further practices of the Church to begin stitching together the dismembered body of Christ through the healing power of the Spirit." See Allen Verhey and Brett McCarty, "The Virtues of Dying Well," *Christian Reflection* (Fall 2013): 26-33.

§4. Eucharist: Becoming the Broken Body of Christ

"Baptism opens the door to the Eucharist."[57] If Baptism signifies the Christian's union with Christ's death and resurrection, in the Eucharist she is drawn further into this mysterious reality.[58] "Take and eat, this is my body…. Drink of it, all of you. This is my blood of the covenant, which is poured out for many for the forgiveness of sins" (Matthew 26:26-28; cf., Luke 22:19-20). As with baptism, the symbolism here is rich and multifaceted. The Eucharist has been understood variously as a memorial, as a proclamation, as a meal, and as an eschatological foretaste. Each of these is true. The Eucharist, or Lord's Supper, is a memorial by which the church recalls Christ's sacrifice on the cross.[59] It is a way of calling to mind the fact that "nothing but the blood of Jesus" can ultimately save us. When we are tempted in a million different ways to make ourselves into our own saviors, the regular practice of the Eucharist reminds us that we are saved by grace. The reminder is desperately needed.

But the Eucharist is more than an aid to individual Christians' recollection. It is also a public performance, an act of proclamation (*kerygma*).[60] "Whenever you eat this bread and drink this cup *you proclaim* the Lord's death until he comes" (1 Corinthians 11:28). That the eucharistic proclamation centers on Christ's *death* is an important point to which we will soon return. For now, it is worth noting how, as an act of proclamation, the Eucharist is an act of witness and testimony. This makes it a martyrial act in much the same way that baptism is. It is an act of *witness unto death*. William Cavanaugh argues that historically "the eucharist [had been] inextricably linked with martyrdom in the life of the church,"[61] especially as each powerfully enacts a self-giving ethic that reveals, and thereby subverts, the violence hidden deep in the heart of the empire.

> In the Christian tradition, both the martyrs and the eucharist participate, through the power of the Holy Spirit, in the sacrifice of Christ in such a way that a body of people is built up and made visible. In this body of people, the body of Christ, the powers of darkness are resisted because the truth about their violence is revealed in the violence they inflict on the body. Martyrdom and the eucharist reveal the irruption of Christ's kingdom into history, a revelation

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[57] The quotation is attributed to Henri Nouwen, but I have not been able to locate the source.

[58] For an argument for the close connection between baptism and Eucharist in the early Church, based on the way each signifies and enacts and identification of the Christian with the death of Christ, see Peter Lampe, "The Eucharist: Identifying with Christ on the Cross," *Interpretation* 38:1 (1994): 36-49.

[59] In this dissertation, no distinction is drawn between the terms "Eucharist," "Lord's Supper," and "Communion."

[60] This, notwithstanding the fact that the non-baptised visitors were originally barred from the part of the service in which Eucharist was practiced.

[61] William T. Cavanaugh, "Killing for the Eucharist or Being Killed by It? Romero's Challenge to First-World Christians," *Theology Today* 58:2 (2001): 177-189.

> that both judges the divisions that exist and, at the same time, points hopefully forward to the day when such divisions will be overcome.[62]

Beyond remembering and proclaiming the Lord's death, however, the Eucharist does something more: it makes Christ's death and resurrection present *in us*. It is the meal, which by incorporating us into Jesus' broken body, gives us life. Jesus is the bread of life "who comes down from heaven and gives life to the world" (John 6:33ff). In John's gospel, Jesus assures his followers, "unless you eat the flesh of the Son of Man and drink his blood, you have no life in you. Whoever eats my flesh and drinks my blood has eternal life, and I will raise them up at the last day. For my flesh is real food and my blood is real drink. Whoever eats my flesh and drinks my blood remains in me, and I in them." (John 6: 53-58). As Augustine noted, however, Jesus's flesh is very *peculiar* sort of food. By eating, we do not metabolize the bread and wine into us so much as are metabolized *into them*.[63] As the church celebrates the Eucharist, it is literally *in*-corporated into the body of Christ—but, importantly, into the body which is "broken" and "poured out." The people of God are reminded in the Eucharist that they are marked by (Christ's own) sacrifice and kenotic, self-emptying love, rather than the hubris of spiritual triumphalism. In the words of M. Therese Lysaught, "As we meet this love in the Eucharist and the sacraments, we are—by grace—transformed (act by act by act) into the image of Christ so that we, too, can incarnate that kenotic love in the world. God's love is to become the shape of our lives."[64]

Indeed, we should not think of the transformative power of the Eucharist as if it were something distinct from the proclamation which occurs through the sacramental practice. They are one and the same. As Peter Lampe argues,

> In the Eucharist, the death of Jesus Christ is not made present and "proclaimed" (11:26) only by the sacramental acts of breaking bread and of drinking wine from one cup. In the Eucharist, Christ's death is not proclaimed only by the liturgical words that accompany the sacramental acts. No, in the Eucharist, Christ's death is also proclaimed and made present by means of our

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[62] Cavanaugh, "Killing for the Eucharist or Being Killed by It?," 186. According to Cavanaugh, the shape of both martyrdom and Eucharist (as demonstrated by Paul's warning to the Corinthians not to partake in communion without "discern[ing] the body") is determined by the way each repeats the kenotic movement of Jesus. The martyr suffers with and on behalf of the suffering body of Christ, just as Christ's body is "broken" and Christ's blood is "poured out" for the sake of the church. This logic, according to Cavanaugh, is deeply countercultural in a society, like our own, which prefers to deal with suffering through the elimination of the sufferer (188).

[63] At his conversion, Augustine felt the Lord say to him, "I am the food of grown men; grow and you shall feed upon me; nor shall you change me, like the food of your flesh, into yourself, but you shall be changed into me." See Augustine, *Confessions*, VII.10.16.

[64] Lysaught, "Suffering in Communion with Christ," 71. It is likely that the association of Eucharist with self-emptying, or *kenosis*, goes back to the very earliest decades of the church. Sarah Coakley points out, for example, that the Christ Hymn in Paul's letter to the Philippians (Phi 2), the only explicit biblical reference to *kenosis*, was likely a well-known liturgical hymn from either a baptismal or Eucharistic setting. See Sarah Coakley, *Powers and Submissions: Spirituality, Philosophy, and Gender* (Oxford: Blackwell Publishers, 2002), 6.

> giving ourselves up to others. Our love for others represents Christ's death to other human beings. Only by actively loving and caring for others does the participant in the Eucharist "proclaim" Christ's death as something that happened for others.[65]

Finally, the Eucharist points not only backward to Christ's sacrifice but also forward to the eschatological wedding feast in the new creation. Though, in the Eucharist, we "proclaim the Lord's death," we do so "until he comes," which is to say that we do so in hopeful anticipation of his final presence and ultimate redemption. The Eucharist is a foretaste of the kingdom of heaven. It is also an anticipation of the perfection of humanity. In it the believer receives Jesus Christ, the perfect human, himself. And in receiving Christ she is mysteriously drawn into the fullness of his glorious image. There is cause for celebration and rejoicing at the Eucharist. It would be wrong, however, to imagine this perfection simply as a reversal of human death and suffering—a triumphant "nevermind to all that." For as the Risen Christ bears the marks of crucifixion, the triumphant One seated on the throne (Revelation 7:17) is also the lamb "who was slain from the foundation of the world" (Revelation 13:8).

In the previous section, we considered how Rowan Williams re-conceptualized baptism as a quotidian practice. Similarly, we might consider what it might mean to gain a "Eucharistic identity" in the everyday realities of life. Ellen Concannon proposes that we might begin to do so by recognizing how the Eucharist exemplifies and establishes the perfection of human freedom. Drawing on Rahner's notion of a "fundamental option,"[66] she suggests that true freedom is demonstrated in one's openness to God and in one's willingness to live *by* and *for* God. It is in saying "yes" to the prior Yes of God that one's freedom is made complete. The deepest and truest "yes" to God ever seen occurred in Christ's self-giving sacrifice on the cross and in Jesus's Gethsemane prayer, "Nevertheless, not my will but Thy will be done" (Luke 22:42). As we have just noted, this perfected human freedom is both *manifested* and *promised* in the Eucharist. In the broken bread and poured out wine, we look back to Jesus's example and forward to our own destiny. Or, more precisely, in the Eucharist Jesus' sacrifice is brought forward in time and our destiny is brought backward in time, as each meets us in the present moment. For this reason, Concannon states, "definitive human freedom is eschatological and thus also Eucharistic."[67]

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[65] Peter Lampe, "The Eucharist: Identifying with Christ on the Cross," 45.
[66] See Chapter 3, 117.
[67] Ellen Concannon, "The Eschatological Implications of Karl Rahner's Eucharistic Doctrine," *The Heythrop Journal* 51 (2010): 888.

Accordingly, this view of freedom attributes a special importance to suffering and death. For as we saw in Chapter 3, "Rahner's view of life as the process toward definitively making the decision to accept or deny God gives suffering the exalted possibility of being life at its fullest."[68] It is at death that one's fundamental orientation toward God is finally and definitively demonstrated,[69] but this orientation is prefigured in how one responds to all the "little deaths" brought about by more mundane experiences of suffering. "I die every day" (1 Corinthians 15:31), exclaimed the Apostle Paul. The Christian is buried with Christ in baptism and transformed into the broken body of Christ through the Eucharist. Especially in Paul's letters we see that those who identify with Christ's suffering and death in this way, may experience their own suffering as a mystical participation in Christ's own suffering. "I carry the marks of Jesus branded on my body" (Galatians 6:17). "We suffer with him so that we may also be glorified with him" (Romans 8:17; cf., 2 Corinthians 1:5-11). "I want to know Christ… and the sharing of his sufferings by becoming like him in his death" (Philippians 3:10; cf., 2 Corinthians 13:4; Galatians 2:19). "We are afflicted in every way, but not crushed…, always carrying in the body the death of Jesus, so that the life of Jesus may also be made visible in our bodies. For while we live, we are always being given up to death for Jesus' sake, so that the life of Jesus may be made visible in our mortal flesh" (2 Corinthians 4:8-11).

This reality is in the background when Rahner calls the Eucharist the "sacrament of the everyday." For "[w]hen we receive the Lord in the Eucharist as him who died on the Cross, then we receive the innermost governing factor of the everyday."[70] We approach the altar with empty hands, turned up in a posture of receptive and open submission to what God has for us, which is ultimately Godself. What we receive is a sign of the death before which we must ultimately submit, and which we anticipate in the "prolixitas mortis" (Gregory the Great) which occurs throughout our entire life. Every Eucharist is an invitation to follow Jesus in his submission unto death: but this very same invitation is extended in every moment of life, and perhaps most acutely in every experience of suffering. Therefore, the Eucharist is best understood "not [as] something other than the everyday, but rather [as] most especially the everyday in all its mundaneness."[71]

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[68] Concannon, "The Eschatological Implications of Karl Rahner's Eucharistic Doctrine," 888.

[69] As Rahner states, "Thus the exercise of freedom taken as a whole is summed up at this point in one single decision: whether he yields everything up or whether everything is taken from him by force." Or, as Concannon concludes, "Freedom needs death for its definitive constitution." See Concannon, "The Eschatological Implications of Karl Rahner's Eucharistic Doctrine," 889.

[70] Rahner, "The Eucharist and Our Daily Lives," *Theological Investigations,* Vol. 7 (1962), 219. Quoted in Concannon, "The Eschatological Implications of Karl Rahner's Eucharistic Doctrine," 888.

[71] Concannon, "The Eschatological Implications of Karl Rahner's Eucharistic Doctrine," 888.

The frequent practice of the Eucharist holds immense promise for shaping a cultural imaginary that resists the dominant logics of medicalized dying, and for the generation of new imaginative significations for common end-of-life practices. A people shaped by the Eucharist cannot long deny their mortality and vulnerability. Alan Lewis draws attention to this fact: "in the frangibility of bread, so easily disintegrated into crumbs, and in the perilous cup of wine, so readily spilt and lost to human use, we see God's own subjection to the tearing of the flesh, the breaking of bones, the spilling of blood, and the snuffing out of life, which so frequently and tragically…" marks our existence today.[72] In the "visible words" of bread and wine we are confronted with the fact that Jesus did not shun mortality, but subjected himself to it in order to become what we are so that we might be made like him.

That the Eucharistic imagination is shaped to recognize and accept bodily limitation is reflected in an experience shared by Jean Vanier. Addressing the 49th International Eucharistic Congress, Vanier tells the story of the first communion of a young Parisian boy with a serious mental disability.

> After the Eucharist, there was a family gathering. The uncle, who was also the child's godfather, told the mother: 'What a beautiful liturgy, how sad that he didn't understand a thing.' The child heard these words and his eyes filled with tears. He said to his mother: 'Don't worry Mom, Jesus loves me just as I am.' That child had a wisdom that his uncle didn't yet attain: that the Eucharist is a gift from God par excellence.[73]

The young child may not have understood all of the rich history and symbolism which characterizes the Roman Catholic service of Mass, but in the Eucharist the young boy had discerned a very important truth: his limitations presented no impediment to the love of God that transcends even death. God's love meets us, and nourishes us, precisely in and though the brokenness of his human flesh, made present to us in the Eucharist. I am suggesting that a eucharistic imagination is characterized by union-in-brokenness, which allows for a re-evaluation of bodily limitations, and even of various forms of disability, dependency, and decline. The "body" shaped by the practices of Eucharist, insofar as it is being drawn into union with Christ, is always already a broken body. In the words of Lysaught, "as we enter ever more deeply and increasingly into the worship of the Triune

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[72] Lewis, *Between Cross & Resurrection*, 396.

[73] This story was quoted in Stanley Hauerwas and Jean Vanier, *Living Gently In a Violent World: The Prophetic Witness of Weakness* (Downers Grove: IVP Books, 2008), 72. Frances Young points out that a similar work of making peace with our fragility, brokenness, and dependence can be accomplished through the "paraliturgy" of footwashing, especially in ecumenical contexts like L'Arche where communion can be difficult or impossible. See Frances Young, "Attending to Scripture: The Homiletic Imperative," in *The Vocation of Theology Today: A Festschrift for David Ford,* ed. Tom Greggs et. al. (Eugene: Wipf and Stock Publishers, 2013), 119.

God, we risk becoming ever more transformed into the image of the crucified Christ."[74] This is true whether we imagine such a "body" as an individual person's physical frame, or whether we are considering the corporate body of believers, the "body of Christ" (1 Corinthians 12:27; Cf., Romans 12:5, 1; Ephesians 3:6, 5:23; Colossians 1:18, 24).

In recent years, valuable insights from disability studies have been increasingly appreciated by theologians and Christian ethicists.[75] One important insight for theological anthropology is the fact that none of us "is ever more than temporarily able-bodied."[76] The line distinguishing persons with disabilities from those who are "normally abled" is permeable, and most of us—whether through illness or old age—will share the experience of struggling with physical and mental limitations. Acknowledging this fact moves the experience of limitation into the center of our reflection on what it means to live as embodied, human creatures. As Deborah Creamer notes, "disability is not something that exists solely as a negative experience of limitation but [is] rather … an intrinsic, unsurprising, and valuable element of human limited-ness."[77] Though we tend to "deny the normality of limits in all of our lives …Limits are a normal and unsurprising aspect of life."[78] In other words, recalling Karl Barth, "the finitude of our being belongs to our God-given nature" (III.2, 627). This leads to another key insight of disability studies: in light of the centrality of human limitedness, we should be open to revising our preconceived notions about normalcy and flourishing. Limits do not necessarily preclude flourishing, but rather provide the context in which flourishing, theologically understood, does or does not occur.[79] A eucharistic imagination is given an expanded, and at times

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[74] Lysaught, "Suffering in Communion with Christ," 82.

[75] See, e.g., Deborah Beth Creamer, *Disability and Christian Theology: Embodied Limits and Constructive Possibilities* (Oxford: Oxford University Press, 2009); Marva J. Dawn, *Being Well When We're Ill: Wholeness and Hope in Spite of Infirmity* (Minneapolis: Augsburg Books, 2008); Nancy L. Eiesland, *The Disabled God: Toward a Liberatory Theology of Disability* (Nashville: Abingdon Press, 1994); John Gillibrand, *Disabled Church - Disabled Society: The Implications of Autism for Philosophy, Theology and Politics* (London: Jessica Kingsley Limited, 2001); Molly Claire Haslam, *A Constructive Theology of Intellectual Disability: Human Being As Mutuality and Response* (New York: Fordham University Press, 2012); Stanley Hauerwas, *Suffering Presence: Theological Reflections On Medicine, the Mentally Handicapped, and the Church* (Notre Dame: University of Notre Dame Press, 1986); Neil Messer, *Flourishing: Health, Disease, and Bioethics in Theological Perspective* (Grand Rapids: William B. Eerdmans Publishing Company, 2013); Hans S. Reinders, *Receiving the Gift of Friendship: Profound Disability, Theological Anthropology, and Ethics* (Grand Rapids: William B. Eerdmans Publishing, 2008); John Swinton and Brian Brock, *Theology, Disability and the New Genetics: Why Science Needs the Church* (London: T & T Clark, 2007); Amos Yong, *Theology and Down Syndrome: Reimagining Disability In Late Modernity* (Waco: Baylor University Press, 2007); Elizabeth MacKinlay (ed.) *Ageing, Disability, and Spirituality: Addressing the Challenge of Disability In Later Life* (London: Jessica Kingsley Publishers, 2008) and John Swinton, *Dementia: Living in the Memories of God* (Grand Rapids: Eerdmans, 2012).

[76] Breckenridge and Vogler, "The Critical Limits of Embodiment: Disability's Criticism," *Public Culture* 13:3 (2001): 349-357.

[77] Creamer, *Disability and Christian Theology*, 96.

[78] Creamer, *Disability and Christian Theology*, 119.

[79] Disability advocates have helpfully challenged *a priori* assumptions about the goodness of a life lacking certain abilities, while also highlighting the social factors that influence the way physical or mental impairments are experienced as disabling. See especially the work of Michael Oliver and Adrienne Asch.

counterintuitive, picture of well-being, and so will not simply accept the models supplied by the dominant social imaginary. Flourishing, or well-being, is not to be equated with "biostatistical normalcy," "species-typical functioning,"[80] or "capabilities."[81] To be nourished by the Eucharist, is to become, by grace through faith, the broken body of Jesus Christ. This is not to say that Christians seek brokenness for the sake of brokenness, suffering for the sake of suffering. They do not. But the presence or absence of suffering and brokenness, in body or spirit, presents no obstacle to our being "conformed to the image" of Jesus Christ (Romans 8:29; cf., Ephesians 4:15; 2 Corinthians 3:18), who bears his bodily brokenness into his risen and glorious existence (John 20:27), and who imparts his broken-yet-risen identity to his church in the bread and wine at Communion.

In this light, it is instructive to consider the roots of hospice and palliative care. That Dame Cicely Saunders introduced a revolutionary new form of medicine when she began St. Christopher's Hospice in 1967 is generally recognized. But the fact that she did so as a self-conscious expression of her Christian faith and vocation is less-appreciated. In fact, Darren Henson has argued that it was "the very practice of the Christian life in [the] liturgical and sacramental life of the Church [that] gave rise to Saunders' vision of palliative care."[82] In the context of regular Bible study and Christian communal living, a young Cicely Saunders initially discerned the call to care for the needs of the dying in their "total pain," which includes much more than physical pain.[83] As Saunders matured in her Christian faith and attended medical school, she continued to work with patients at a home for the dying, St. Joseph's Hospice in Hackney, run by the Irish Sisters of Charity, a Roman Catholic religious order. These experiences and others were formative for her own vision of a new model of end-of-life care. This vision called for a new, hybrid institution, simultaneously "medical" and "religious."[84] Though in

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[80] If one follows the standard accounts of the biological sciences, human flourishing is more-or-less straightforwardly equated with health, or functioning. Though, the precise meaning of "health" is a hotly debated topic. Christopher Boorse has offered a "biostatistical model," according to which health is understood as biostatistical normalcy of species-typical (and evolutionarily advantageous) functioning. See "Health as a Theoretical Concept," *Philosophy of Science* 44:4 (1977): 542-573. Lennart Nordenfelt's *holistic* theory of health, alternatively, takes the ability to achieve "vital goals" as an indication of health. See *On the Nature of Health: An Action-Theoretic Approach*, 2nd ed. (Dordrecht: Kluwer Academic, 1995). For a discussion of Boorse, Nordenfelt, and other philosophical accounts of health, see Messer, *Flourishing.*

[81] The "capabilities-approach" has been most vocally defended by philosopher Martha Nussbaum. Nussbaum presents the capabilities approach in many of her copious writings, including *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge: Belknap Press, 2006); *Women and Human Development: The Capabilities Approach* (Cambridge: Cambridge University Press, 2000); "Capabilities as Fundamental Entitlements: Sen and Social Justice," *Feminist Economics* 9 (2003):33-59; "Women and Cultural Universals," in *Sex and Social Justice* (Oxford: Oxford University Press, 1999), 29-54; and, especially, *Creating Capabilities: the Human Development Approach* (Cambridge: Belknap Press of Harvard University Press, 2011).

[82] Henson, Darren M., "Palliative Care's Sacramental and Liturgical Foundations: Healthcare Formed by Faith, Hope, and Love" (2014). Dissertations (2009 -). Paper 412. http://epublications.marquette.edu/dissertations_mu/412, 29.

[83] Henson, "Palliative Care's Sacramental and Liturgical Foundations," 54.

[84] Henson, "Palliative Care's Sacramental and Liturgical Foundations," 55.

her public speaking engagements she tended to downplay the religious foundations of St. Christopher's Hospice, the centrality of Christian convictions is evidenced in the founding documents,[85] as well as in the very architectural choices which were made upon its creation. According to Lysaught, Saunders "sought to design St. Christopher's Hospice with the chapel in the center of the building so that visually, structurally, and infrastructurally, the Eucharist would be at the center of their lives and work together and 'Christ's victory over pain and death' could 'radiate out from the Chapel into every part of the corporate life.'"[86] Indeed, in a letter composed shortly after the opening of St. Christopher's, Saunders writes, "Today we are having our first Communion service, with two patients down from the ward in their beds, so we have really gone straight on with the important things."[87] As the quotation above indicates, the regular practice of the Eucharist and other Christian practices served as a reminder of Christ's "victory over pain and death." Henson notes how the practice of the Eucharist shaped what would become palliative care medicine:

> The daily rhythm of liturgical prayer makes the religious mindful of the rising of the sun and its setting, the creation of the world and its final fulfillment at the end of time, the birth and life of Jesus as well as his passion, death and resurrection. This ongoing reminder and celebration of God's omnipresence and fidelity provides the religious with a particular understanding of life and death. In turn, it influences and animates the care offered to those enduring the vulnerabilities of illness and the burdens of dying. Because they had been formed with the Catholic imagination to be attuned to the presence of Christ in the eucharistic liturgy, it was a natural step for superiors to urge their sister and brother caregivers to see the mystical body of Christ in the patients for whom they cared.[88]

We noted in Chapter 2 how hospice and palliative care medicine have become one of the two standard "scripts" for dying in our own day—that is, if one wants to avoid dying in the ICU. In that context, I also noted two possible critiques of this script. First, I noted the apparent inapplicability of hospice and palliative care to the increasingly predominant form of "dying," that is, the long dwindling which begins long before recourse to these forms of medicine is made. Second, I noted how the assumptions about human agency that undergird contemporary hospice practices often seem to be

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[85] In one such document, she emphasizes her desire that St. Christopher's would "render higher and more valuable service to our patients in their spiritual and mental than in their physical wants. These will, all the same, go hand in hand, for faith in God is made infinitely easier by the faith in man which is created by the touch of kindness and the relief of pain and discomfort…. Though we cannot heal, there is a great deal that can be done to relieve the suffering of every dying person." See Henson, "Palliative Care's Sacramental and Liturgical Foundations," 56.

[86] Lysaught, "Suffering in Communion with Christ," 82 fn.40.

[87] The quotation from Saunders is from David Clark, *Cicely Saunders—Founder of the Hospice Movement: Selected Letters, 1959-1999* (New York: Oxford University Press, 2005), 122. Quoted in Lysaught, "Suffering in Communion with Christ," 82 fn.40.

[88] Henson, "Palliative Care's Sacramental and Liturgical Foundations," 62.

more-or-less the same as those that encourage people to seek physician-assisted suicide. Following Michael Banner, I suggested "both movements [i.e., PAS and euthanasia] are perhaps equally imbued with notions central to projects of self-expression and preservation of identity, characteristic of late modernity."[89] The goal of preserving agency and individuality is shared, but the strategies diverge: "Hospice care bids to preserve and maintain the project of the self for as long as possible up until the occurrence of biological death; euthanasia brings death forwards so as to avoid the risk of the death of the self prior to biological death."[90] I bring up those critiques here to note that when placed in the context of eucharistic identity, and the notions of agency that are more native to Christian soil (e.g., "martyrdom," "*kenosis*," "dispossession," "receptivity," and "submission"), we are able to reevaluate—and appropriate—this script anew. Given the right narrative, and the proper concepts and grammar of agency, and trained into that narrative through practices, patients (who engage with hospice and palliative care) and physicians (who give such care) will "generate new imaginary significations" for what is occurring.

§5. Prayer: The Empowerment of Dependence

Throughout this chapter and earlier chapters, we have repeatedly emphasized the ways in which certain theological accounts of death and dying in the Christian tradition provide alternative visions of human moral and spiritual agency than those most commonly assumed within a "modern social imaginary." In the previous two sections, we described the ways in which Christian practices of baptism and Eucharist form and shape the identities of those who participate in them. In doing so, we have appealed to concepts such as "dispossession," "vulnerability," "martyrdom," "creaturely dependence," and "*kenosis*" to drive home the point that for Christians enmeshed in these practices much of the work of dying has already occurred before the final, decisive moments that we normally refer to as (biological) "death."

What has not been sufficiently acknowledged is the potential for such concepts to be misappropriated or bent in ways that are harmful or destructive. Specifically, we have yet to discuss important issues regarding gender, power, and oppression that arise when these concepts are made the basis of theologically and ethically normative framework. Consider, for example, the now-classic

[89] Banner, *The Ethics of Everyday Life*, 115.
[90] Banner, *The Ethics of Everyday Life,* 115.

essay by feminist theologian Valerie Saiving Goldstein, "The Human Situation: A Feminine View."[91] In this essay Goldstein takes aim at the way in which theologians like Reinhold Niebuhr and Anders Nygren had characterized the human predicament before God. In his Gifford Lectures,[92] for example, Niebuhr described human beings as anxiously living out of a tension between finitude and freedom. Each person is simultaneously aware of the abiding limitations of finite, natural existence and the ability to transcend such limits through free cultural creativity, individuality, and moral activity. Plagued by existential anxiety in the face of finitude, we are all tempted to overcompensate by living in a mode of excessive self-assertion.[93] This is the paradigmatic human sin: Pride.[94]

Goldstein notes that Niebuhr's characterization of sin as excessive self-assertion is directly correlated with his understanding of Christian love, understood as absolutely selfless, other-regarding, sacrificial self-giving.[95] The relationship is not accidental, for "the kind of love described is normative and redemptive precisely insofar as it answers to man's [supposed] deepest need."[96] But what if this idea is a false universalization of an inherently gendered concept of sin and grace? As Goldstein famously charged, "contemporary theological doctrines of love have… been constructed primarily upon the basis of masculine experience and thus view the human condition from the male standpoint. Consequently, these doctrines do not provide an adequate interpretation of the situation of women."[97] Characteristically feminine sins are more likely to include "triviality, distractibility, and diffuseness, lack of an organizing center or focus; dependence on others for one's own self-definition; tolerance at the expense of standards of excellence; inability to respect the boundaries of privacy; sentimentality,

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[91] Valerie Saiving Goldstein, "The Human Situation: A Feminine View," *The Journal of Religion* 40:2 (1960): 100-112.

[92] These were published as Reinhold Niebuhr, *The Nature and Destiny of Man: A Christian Interpretation* (New York: Scribner, 1964).

[93] In terms of freedom and finitude, we might describe this form of sin (i.e. pride) as an excessive expression of freedom in the face of finitude. Niebuhr, indeed, sees this as the human situation before God. He leaves unexploited a path that would have been available to him, namely, to equally consider the human situation before God in terms of "sloth," understood as the inadequate use or irresponsible avoidance of God-given freedom.

[94] For an account of the Augustinian roots of Niebuhr's account of sin, especially as it pertains to the characterization of pride (or, the *libido dominandi*) as a reaction against fear of death (*timor mortis*), see Robert Dodaro, *Christ and the Just Society In the Thought of Augustine* (Cambridge: Cambridge University Press, 2004), 32ff.

[95] Niebuhr's debt to Søren Kierkegaard is evident on this point. Cf, Søren Kierkegaard, *Works of Love: Some Christian Reflections In the Form of Discourses* (London: Collins, 1962).

[96] Goldstein, "The Human Situation," 101.

[97] Goldstein, "The Human Situation," 101. Drawing upon the social-psychological research of Margaret Mead, Goldstein discusses how young boys and girls undergo different processes of "differentiation" from their maternal caregiver. A boy "must *prove* himself to be a man" in a way that does not apply to a young girl. As a result, "the process of self-differentiation plays a stronger and more anxiety-provoking role in the boy's maturation than is normally the case for the girl." Goldstein sums up the difference this way: "In a sense, masculinity is an endless process of *becoming*, while in femininity the emphasis is on *being*." In a sense, insight into the social-psychological processes of differentiation help explain why males typically over-express "freedom" (i.e., "spirit") and females typically over-express "finitude" (i.e., "nature").

gossipy sociability, and mistrust of reason—in short, underdevelopment or negation of the self."[98] These forms of sin (which are perhaps best understood as expressions of "sloth") are likely to be *exacerbated*, rather than mitigated by a command to love others unconditionally and self-sacrificially. It is one thing for someone who enjoys social prestige and privilege, including some measure of economic and political stability, to be told that he should embrace contingency and vulnerability as an expression of faith in Christ's ultimate victory and trustworthiness. It is another thing altogether to tell this to someone who has very little power from which she may be "dispossessed" and who already experiences the threat of "vulnerability" in spades.[99]

Daphne Hampson extends a similar critique to modern appropriations of the theological doctrine of *kenosis*, or the "voluntary self-emptying on the part of the second person of the Trinity."[100] Hampson contends,

> it is far from clear that the theme of *kenosis* is the way in which monotheism would need to be qualified in order to bring the understanding of God more into line with feminist values… That it should have featured prominently in Christian thought is perhaps an indication of the fact that men have understood what the male problem, in thinking in terms of hierarchy and domination, has been. It may well be a model which men need to appropriate and which may helpfully be built into a male understanding of God. But… for women, the theme of self-emptying and self-abnegation is far from helpful as a paradigm"[101]

Hampson's critique suggests that *kenosis* has developed into a full-fledged theological doctrine largely as a "compensatory reaction to 'the male problem'"[102] of dominative, excessive self-assertion. As a

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[98] Goldstein, "The Human Situation," 109.

[99] Consider, for example, the poem "My First Name" by Susan Harlan:

> No, you can't call me
> By my first name,
> And yes,
> I know that
> A male professor
> Told you that titles
> Are silly
> Because a certain genre
> Of man
> Is always dying
> To performatively
> Divest himself
> Of his easily won
> Authority.

Susan Harlan, "My First Name," *South Carolina Review* 49:2 (2017): 101.

[100] Daphne Hampson, *Theology and Feminism* (Oxford: Basil Blackwell, 1990), 155. Quoted in Coakley, *Powers and Submissions,* 3.

[101] Hampson, *Theology and Feminism*, 155.

[102] Coakley, *Powers and Submissions*, 4.

result, *kenosis* remains incompatible with the aims of feminism, and should therefore be eschewed by feminist theologians.

The charges of Hampson and Goldstein represent an important, and seemingly damning, challenge to the moral vision I have chosen to highlight thus far. An uncritical valorization of moral notions of submission, dispossession, *kenosis*, martyrdom, and dependence does indeed seem at first glance to threaten the well-being of the already disproportionately vulnerable, dependent, and dispossessed. While acknowledging the power of the critique from the standpoint of feminism, however, I would affirm Sarah Coakley's suggestion that the Christian doctrine of *kenosis*—and the moral notions of *kenotic* identity and agency which are derived therefrom—may nevertheless be affirmed and embraced from the perspective of feminism, so long as the doctrine is properly construed. Indeed, as Coakley argues, "some version[s] of *kenosis* [are] not only compatible with feminism, but vital to a distinctly Christian manifestation of it, a manifestation which does not eschew, but embraces, the spiritual paradoxes of 'losing one's life in order to save it.'"[103] Unfolding and analyzing Coakley's position will give us the opportunity not only to address concerns about gendered connotations and implications of kenotic notions of power and agency, but also will lead into a discussion of the final practice under consideration in this chapter, that of silent, contemplative prayer.

It will first be advantageous to give some sense of what would distinguish a theological expression of *kenosis* that is compatible with feminist aims from one that is not. This, of course, implies what is not immediately apparent from feminist critiques like Hampson's: namely the existence within the tradition of a plurality of understandings of *kenosis*. The basic concept (and the theological use of the term) comes from the "Christ-hymn" found in the second chapter of Paul's letter to the Philippians:

> Have this mind among yourselves, which is yours in Christ Jesus, who, though he was in the form of God, did not count equality with God a thing to be grasped, **but emptied himself** [ἀλλὰ ἑαυτὸν ἐκένωσεν], by taking the form of a servant, being born in the likeness of men. And being found in human form, he humbled himself by becoming obedient to the point of death, even death on a cross. Therefore God has highly exalted him and bestowed on him the name that is above every name, so that at the name of Jesus every knee should bow, in heaven and on earth and under the earth, and every tongue confess that Jesus Christ is Lord, to the glory of God the Father.

Paul is clearly exhorting the church at Philippi to emulate Jesus Christ in some way. The question that this poses, however, is how to properly understand the self-emptying to which Paul refers. Coakley

[103] Coakley, *Powers and Submissions*, 4.

catalogues at least six possibilities. It could be, for example, that Paul has in mind the temporary *relinquishing* of divine powers (omnipotence, omniscience, etc.) that belong to Christ's divine nature, but which are set aside in order to preserve the integrity of his human nature.[104] Others, drawing on the "history of religions" approach, read the Christ hymn in light of the religious movements of Paul's day. As a result, some (e.g., R.P. Martin) discern in the hymn elements of Gnosticism, and read *kenosis* as Christ's "*pretending* to relinquish divine powers whilst actually retaining them (as gnostic redeemer)."[105] Another related approach is to construe *kenosis*, not in terms of what is *lost*, but rather in terms of what is borne or suffered, by Christ in the incarnation. This is the approach taken by theologians of the "Alexandrian" school (e.g., Cyril), according to whom *kenosis* is "the divine Logos's *taking on* of human flesh in the incarnation, but without loss, impairment, or restriction of divine powers."[106] According to this approach, it is not the retraction of potency that is named by *kenosis*, but the willingness to suffer the indignity of humanity, and even the death of the body, that constitutes Christ's self-emptying. Each of these understandings of *kenosis* construes the kenotic act in terms, more or less, of substance ontology. The guiding question is: given what we know of the essence of divinity and the essence of humanity, how does the concept of *kenosis* help us understand how the two can coexist in a single human being, Jesus Christ?[107]

There are, however, other interpretations, perhaps more plausibly native to Paul's own concerns, that are not guided by this question. For example, Coakley draws attention to an "ethical" interpretation, which defines Christ's *kenosis* in terms of Jesus's "choosing *never to have* certain (false and worldly) forms of power—forms sometimes wrongly construed as 'divine.'"[108] Jesus rejects the worldly power offered him in the temptation narrative (Matthew 4:1-11), rebukes Peter for taking up

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[104] This view is the one that came to dominate later orthodoxy in the church's deliberations about Christ's "two-natures," but is not likely to have been explicitly in Paul's own mind given its later provenance in ecclesial debates.
[105] Coakley, *Powers and Submissions*, 11. Emphasis original.
[106] Coakley, *Powers and Submissions*, 14. This, of course, leaves open the troubling problem of how to construe the relation between Logos and human nature in the hypostasis (person) of Jesus Christ.
[107] This is also the guiding question of the 19th century Lutheran Erlangen School (e.g., Gottfried Thomasius) and later British "kenoticists" like P.T. Forsyth. Both Thomasius and Forsyth were guided by a strong desire to emphasize and protect the understanding of Jesus's humanity. As a result, they believed that during the incarnation Christ temporarily retracted (into potency) certain "relative" characteristic of divine life, such as omnipotence and omniscience. When Jesus performed miracles, for example, he did so not from his own divine power but in reliance upon the power of God the Father and the Holy Spirit. These attributes are "relative" because God holds them in relation to creation. They are not, however, "immanent" or "essential" attributes, so that the Son can be divested of them during the incarnation without any loss of his essential divinity. See Darren O. Sumner, *Karl Barth and the Incarnation: Christology and the Humility of God* (London: Bloomsbury T&T Clark, 2014), 52. For a brief account of Thomasius and Forsyth, and the continuing debates about kenotic Christology in evangelical Christianity, see Roger E. Olsen, *The Westminster Handbook to Evangelical Theology* (Louisville: Westminster John Knox Press, 2004), 157ff.
[108] Coakley, *Powers and Submissions*, 11.

the sword in his defense (Matthew 26:52), and finally refuses to resist both Jewish and Roman leaders by physical force. "My kingdom is not of this world. If my kingdom were of this world, my servants would have been fighting, that I might not be delivered over to the Jews" (John 18:36). Not only is Jesus's refusal of worldly power reflected in these "non-violence" passages, but also in his radically inclusive stance toward the ethnic outsider (Luke 10:25-37), the marginalized (Matthew 8), the despised (Luke 19:1-10), the enemy (Luke 23:34), and toward women (Luke 8:2; Luke 7:36-50; John 4) and children (Matthew 19:14).

The "ethical" interpretation of *kenosis* as a rejection of certain forms of false and worldly power gives rise to two important strands of what would come to be known as Kenotic Theology. The first, and most extreme, is the approach taken by C.F.D. Moule, and, later, J.A.T. Robinson in Great Britain. The step that these theologians took was to extend the "ethical" understanding of *kenosis* to the divine, as well as the human, nature of Christ. The guiding question was no longer, how can the divine and human natures co-exist, but rather, what is the nature of divine power? The doctrine of *kenosis*, then, "*reveal*[*s*] 'divine power' to be intrinsically 'humble' rather than 'grasping.'"[109] Though Coakley ultimately rejects this understanding of *kenosis*, we should not be too quick to follow suit. Her grounds for its rejection do not have to do with the feminist concerns listed above. In fact, she does not believe that Hampson's charge applies to this approach (for Christ does not *sacrifice* anything, but rather *reveals* the truly humble nature of divinity itself). On the contrary, she sees this approach as supporting Rosemary Radford Reuther's claim that Jesus's self-emptying challenges the oppressive norms of patriarchy.[110] The reason for Coakley's hesitance at this point has rather to do with her concerns about whether Moule and Robinson can salvage any notion of divine omnipotence and omniscience once they have claimed that the "form of the servant" (Philippians 2:7) reveals the nature of God.[111] "[H]ow, then, could such a being be 'God'?"[112] Would not such a view make God "appear…limited and weak…and so endanger the very capacity for divine transformative 'power'?" In other words, can Moule's God save? Perhaps the problem of these kenotic theologians is that they have said too much where they should have exercised restraint. Coakley sees the dilemma they introduce in this way: "it is one thing, of course, to *redefine* divine 'power' creatively, another to shear God down to human size,

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[109] Coakley, *Powers and Submissions*, 14.
[110] See Rosemary Radford Reuther, *Sexism and God-Talk* (London: SCM Press, 1983), 137-8.
[111] So Moule: "the self-giving humility which is the essence of divinity." See C.D.F. Moule, "Further Reflexions on Philippians 2:5-11," in *Apostolic History and the Gospel*, edited by W. W. Gosque and R.P. Martin (Grand Rapids: William B. Eerdmans Publishing Co., 1970), 265. Cited in Coakley, *Powers and Submissions*, 22.
[112] Coakley*, Powers and Submissions*, 23.

to make God intrinsically power*less*, incapable of sustaining the creation in being."[113] I would contend that it is possible to achieve the former without lapsing into the latter.[114] It is not necessary, however, to defend the point in this space. Instead, let us turn to one final variation of the "ethical" interpretation of *kenosis*.

What makes the theologians of the Giessen School noteworthy is the way in which they uniquely applied the "ethical" interpretation of Moule and Robinson to the traditional problem of how to describe the relationship between Christ's two natures. Against the Tubingen School, which argued Christ concealed and secretly used his divine power during the incarnation (similar to the "gnostic" position described above), the Giessen School reaffirmed the position of classical orthodoxy that Christ renounced divine power during the incarnation (i.e., he *willfully* refrained from using them even though, technically, he *could* have used them). In terms of the two-natures, we might say that Christ's human nature was "empty" of divine attributes during the incarnation, but the human nature was "open" and "vulnerable" to authentic divine power, "wholly translucent" to the divine.

It may seem we have wandered very far into the weeds indeed now. But, this final point, is precisely the one that Coakley takes to be essential for a feminist appropriation of *kenosis*. For *kenosis* need not simply reinforce "gender stereotypes and sexist compliance" if it succeeds in reimagining our notions of "weakness," "passivity," or "vulnerability" along the lines of a "(special sort of) 'human' strength" rather than a "female" weakness. While "events like Gethsemane and Golgotha seem to show Jesus's humanity…as in some sense *defective* from its true, heavenly norm," notes Coakley, it may rather be that "the frailty, vulnerability and 'self-effacement' of these narratives *is* what shows us 'perfect humanity.'"[115] Importantly, however, the openness and vulnerability that is central to this view is that which is open and vulnerable to the divine. This "*special* form of human 'vulnerability'"[116] is normative precisely *because* it carves out a space for God's empowering of the human being.

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[113] Coakley*, Powers and Submissions*, 24.

[114] The most viable, from my perspective, is the path taken by Karl Barth (as well as Barthian theologians like Eberhard Jüngel and Alan Lewis). Barth succeeds in taking the Christ-event as revelatory of divine being (or, better, the divine act) without making God dependent on the world. The popular (of late) theological positions of "open-Theism" and Process Theology do not, in my view, sufficiently preserve God's character as "the One who loves *in freedom*." For a detailed explication and defense of Barth's version of kenotic Christology, see Darren O. Sumner, *Karl Barth and the Incarnation*.

[115] Coakley, *Powers and Submissions*, 25, 30.

[116] Coakley*, Powers and Submissions*, 32. Coakley takes great pains to emphasize the distinction between this highly specialized idea of vulnerability, and vulnerability *as such*. She has no interest in valorizing the latter. She is aware that a theological affirmation of vulnerability involves her in a "perilous path." "An undiscriminating adulation of 'vulnerability' might appear to condone, or even invite, such evils" as abusive power in the name of "bearing one's cross." Coakley does not want to "make a straightforward *identification* between 'vulnerability' in general (often a dangerous or regrettable state) and the particular notion of spiritual *kenosis*." She does, however, suggest that "there is another, and longer-term, danger to Christian feminism in the *repression* of all forms of 'vulnerability,' and in a concomitant failure to confront issues of fragility, suffering or 'self-emptying' except in terms of victimology." It is only "by facing—and giving new expression to—the

Graham Ward develops a similar account of *kenosis* out of Gregory of Nyssa's notion of suffering as the "wounding of love."[117] Ward argues that a theological emphasis on *kenosis* (emptying) must be balanced in equal measure by the Pauline concept of *plerosis* (filling up). Ward exposits Paul's use of *pleroo* as a "theological reflection of the economics of divine power with respect to embodiment in Christ…a reflection upon divinity as it manifests itself in the concrete historicity of the death, burial, and resurrection of Jesus the Christ."[118] There is an intra-divine "passion," a love relationship of unity-in-difference and difference-in-unity, between Father, Son and Holy Spirit that involves a continual dynamic of *kenosis* and *plerosis*. So, there is a sense of primordial suffering in God, but it is not one (*contra* Moltmann) that is defined by a rift within the Godhead. "If *kenosis* and completion, emptying and filling, are not two opposite, but two complementary operations of the divine, like breathing out in order to breathe in, then there is no lack, absence, or vacuum as such."[119] It is an "economy of that loving which incarnates the very logic of sacrifice as the endless giving (which is also a giving-up, a *kenosis*) and the endless reception (which is also an opening up towards the other in order to be filled)."[120] Ward here unites traditional notions of *agape* and *eros* as two elements of one love relationship—without thereby gendering these notions as masculine and feminine. The human is most fully human in a *kenotic* posture (which mimics God's own) that simultaneously opens itself up to fulfillment and plenitude.

The "power-in-vulnerability" that characterizes Christian existence is best illustrated (and cultivated), according to Coakley, in the practice of wordless prayer, or contemplation. Wordless prayer enacts a "spiritual extension of Christic *kenosis*" because the one who thus prays must refuse from the outset a "grasping" mentality. This "involves an ascetical commitment of some subtlety, a regular and willed *practice* of ceding and responding to the divine." Interestingly, Coakley notes, "[t]he rhythm of this *askesis* is already inscribed ritually and symbolically in the sacraments of baptism and Eucharist; but in prayer (especially the defenseless prayer of silent waiting on God) it is 'internalized'

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paradoxes of 'losing one's life in order to save it,' [that] feminists [can] hope to construct a vision of the Christic 'self' that transcends gender stereotypes we are seeking to up-end." See Coakley, *Powers and Submissions*, 33.

[117] The double genitive is intentionally ambiguous. See Graham Ward, "Suffering and Incarnation," in *Suffering Religion* ed. Robert Gibbs and Elliot R. Wolfson (London: Routledge, 2002), 163-180.

[118] Ward, "Suffering and Incarnation," 171.

[119] Ward, "Suffering and Incarnation," 173.

[120] Ward continues, "The suffering and sacrifice which is born of and borne by passion is the very risk and labor of love; a love which is profoundly erotic and, to employ a queer theory term, genderfucking. It is a suffering engendered by and vouchsafing difference; first Trinitarian difference, subsequently, ontological difference between the uncreated Godhead and creation, and finally sexual difference as that which pertains most closely to human embodiment" ("Suffering and Incarnation," 174).

over time in a peculiarly demanding and transformative fashion."[121] There are many forms of prayer in the Christian tradition—not all of them strictly "wordless"—that fit this description. One may think, for example, of the Quaker prayer meeting, the charismatic experience of "tongues," or the Eastern Orthodox practice of quietly repeating the Jesus Prayer ("Lord Jesus Christ, Son of God, have mercy on me, a sinner").[122] What unites these forms of prayer is the way each enacts what Coakley calls "gentle space-making." The adjective "gentle' is key, for the encounter which takes place here is "not an invitation to be battered; nor is its silence a silenc*ing*… God… neither shouts nor forces, let alone 'obliterates.'"[123] Indeed, this form of "self-emptying" is not really an abnegation of the self, but rather "the place of the self's transformation and expansion into God."[124] It is precisely in the self's *kenotic* and patient silence that it acknowledges its creaturely dependence on the divine. In the practice of silent prayer, the one who prays relates to God as she was created to relate to God, with an awareness and acknowledgement of dependence on God for every breath.[125]

§6. Interlude: Christian Contemplation and Mindfulness Meditation

An interesting parallel can be drawn between Coakley's notion of silent, or contemplative, prayer and the practice of "mindfulness" which has gained enormous amounts of traction in end-of-life care—both among patients and medical practitioners.[126] Coakley herself hints at the comparison, though

[121] Coakley, *Powers and Submissions*, 34.

[122] As noted, some of these forms of prayer are not indeed "wordless" or "silent." They nevertheless involve the one who prays in form of thought that is non-discursive, and therefore, in some sense passive. For example, in reciting the Jesus Prayer, the aim is not necessarily to focus on the meaning of each word, but rather to "use repetitive but mechanical 'acts'… not *as* the prayer, but as a sort of accompanying 'drone' to keep the imagination occupied… Not only is the imagination thus mechanically stilled, but the 'drone' also helps prevent the mind from operating discursively; thus the (empty) intellect is left facing a 'blank,' with the will gently holding it there." See Coakley, *Powers and Submissions*, 45.

[123] Coakley, *Powers and Submissions*, 35.

[124] Coakley, *Powers and Submissions*, 36.

[125] Alan Lewis notes that a similar posture is enacted through other sorts of Christian prayers. For example, prayers of lament acknowledge dependence, while lamenting brokenness, attuning trust, and eschewing pride and control. Similarly, the Lord's Prayer starts from a place of dependence by asking for daily bread. "Thus by the very act of prayer for daily bread the priestly, interceding church challenges modernity's myth of autonomy and self-sufficiency, our promethean belief in our own capacities to satisfy every need with our own resourcefulness and ingenuity, and secure the future for ourselves and our planetary home without a humble recognition of dependence, fragility, and accountability, or any expression of thanksgiving." See Lewis, *Between Cross and Resurrection*, 399.

[126] It is hard to overstate the rate at which mindfulness is gaining acceptance in medical contexts today. Many major academic medical centers now have well-funded institutes dedicated to the promotion of practices like mindfulness meditation. See e.g., Duke Integrative Medicine (https://www.dukeintegrativemedicine.org/), Center for Mindfulness at UMass Medical School (http://www.umassmed.edu/cfm/); UVA Medical Center's Mindfulness Center (https://med.virginia.edu/mindfulness-center/) and UVA's Contemplative Sciences Center (http://www.uvacontemplation.org/), name only a few.

with reference to the (somewhat) different practice of "transcendental meditation."[127] At a very basic and general level, mindfulness can be defined as "a nonjudgmental, curious, and self-compassionate awareness of one's moment-to-moment experience."[128] One common term for this state is "bare attention," a term which emphasizes the non-conceptual, non-discursive quality of the practice, or state, of being mindful. As one author puts it: "It is not thinking."[129] Or, perhaps more precisely, it is "not-thinking." This way of putting it is overly simplistic, but does highlight the fact that mindfulness practices aim to get beyond entrenched patterns of cognition that are based on distorted ideas about the self and the world. According to Bhikkhu Bodhi, the popular understanding of mindfulness as non-discursive "bare attention" is only helpful if understood as one "procedural directive for cultivating mindfulness."[130] In the classical Buddhist sense, mindfulness (*sati*) unites two distinct concepts: memory and lucid awareness.[131] Bodhi notes that the sense of memory is highly specific, less an act of remembering something that occurred in the past, but rather an act of "bending back" upon one's experiences in the "phenomenal field" in order to "[lift] them out from the twilight zone of unawareness into the light of clear cognition."[132] Mindfulness aims not at absence of thought *as such*, but rather as the removal of distorted patterns of thought which obstruct "clear comprehension."[133]

Though practices for cultivating mindfulness are diverse and include "yoga, tai chi, and various prayer and chanting exercises,"[134] meditation is far and away the most common. Mindfulness meditation has ancient origins, having been included by the Buddha in his noble eightfold path,[135] but was widely introduced in America in the late 1970s and early 1980s in a somewhat-secularized form

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[127] See Sarah Coakley, "Prayer as Crucible: How My Mind Has Changed," *The Christian Century*, March 22, 2011, 32-33.
[128] Matias P. Raski, "Mindfulness: What It Is and How It Is Impacting Healthcare," *UBCMJ* 7.1 (2015), 56.
[129] Henepola Gunaratana, *Mindfulness in Plain English* (Boston: Wisdom Publications, 2002), 140.
[130] Bodhi, "What Does Mindfulness Really Mean? A Canonical Perspective," *Contemporary Buddhism* 12:1 (2011): 27.
[131] Bodhi elaborates, "Sati makes the apprehended object stand forth vividly and distinctly before the mind. When the object being cognized pertains to the past—when it is apprehended as something that was formerly done, perceived, or spoken—its vivid presentation takes the form of memory. When the object is a bodily process like in-and-out breathing or the act of walking back and forth, or when it is a mental event like a feeling or thought, its vivid presentation takes the form of lucid awareness of the present." Bodhi, "What Does Mindfulness Really Mean?," 25-26.
[132] Bodhi, "What Does Mindfulness Really Mean?," 25.
[133] One such pattern, explicitly mentioned by Bodhi, is the "sharp duality of subject and object… [in which t]he subjective pole seems to coalesce into a substantially existent 'I,' an ego-self that hovers in the background as an autonomous and independent entity. The objective pole presents itself as an object that is there 'for me,' ready to serve or oppose my purposes; thus it becomes a potential object of craving or aversion. This process is what the *suttas* refer to as 'I making' and 'mine-making.' It is the task of meditation to dismantle this structure by penetrating the selfless nature of all phenomena, whether pertaining to the objective or subjective poles of the experience." Bodhi, "What Does Mindfulness Really Mean?," 32.
[134] Raski, "Mindfulness," 56.
[135] See Bhikkhu Bodhi, "What Does Mindfulness Really Mean?"

(Mindfulness Based Stress Reduction, or MBSR) by Jon Kabat-Zinn. Hölzel, et. al.,[136] helpfully outline the main components of mindfulness meditation, mapping how each component affects the brain and noting the current state of the neuroscience literature on the effectiveness of each component. According to Hölzel, et. al., mindfulness meditation simultaneously involves the following components: (1) regulation of one's attention; (2) awareness of the body and bodily perceptions and sensations; (3) regulation of one's emotional state, which may include (a) reappraisal of an emotional sensation, and/or (b) a process of exposure, extinction, and reconsolidation (similar to Cognitive Based Therapy, CBT); and, finally, (4) change in perspective on the self.[137]

To gain a picture of how these elements connect in a meditative practice, consider the following narrative.[138] Susan just finished residency training at a major academic hospital, and has decided to stay on for a year-long fellowship training in hospice and palliative medicine. She has always been interested in helping people who are suffering and believes that this specialization will allow her to make a great, personal impact on the lives of her patients. She is, however, having some difficulty getting used to the difficult process of seeing patients, many of whom she comes to love and respect, pass away. A mentor in the hospital notices that she is struggling to cope and suggests that she take up mindfulness meditation, so she decides to give it a try. Over the course of a few months she learns the basics of mindfulness meditation. She is instructed to begin with a simple practice of intentional breathing exercises. She should sit in a comfortable position, focusing on the rhythm of her breathing, while keeping her attention open to whatever sensations—mental, physical, emotional—arise. At first, it is difficult not to let her mind wander to the list of tasks that she knows she has to complete by the end of the day, but she finds that the breathing exercises help her keep her mind settled. Her goal, she is taught, is to be aware of internal and external experiences as they come, but not to engage them. Rather, she should simply take note of them, not judging herself or deciding whether to accept or reject the experiences themselves. As she meditates, she notices, for example, that she is suddenly aware of a memory of an event which occurred in her childhood: the death of her maternal grandmother. As the thought arises, she focuses not on the memory itself, but on the way in which it triggers a sense of anxiety and pain within her. She notices that her heartbeat has increased, and that she is carrying tension in her shoulders. These physiological responses, she correctly intuits, signal an

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[136] Hölzel, et. al., "How Does Mindfulness Meditation Work? Proposing Mechanisms of Action From a Conceptual and Neural Perspective," *Perspectives on Psychological Science* 6:6 (2011): 537-559.
[137] Hölzel, et. al., "How Does Mindfulness Meditation Work?," 539.
[138] This narrative was constructed by the author, following a helpful summary of mindfulness meditation provided by Hölzel et. al.

underlying emotional response—some mixture of fear and loneliness. She remembers the words of her instructors, and chooses to "lean in" to the feeling, in some sense to "coexist" with it for a little while.[139] As she does this, the emotions of fear and loneliness remain, but more as an object for her to observe than as a motivation for her to react. In the highly technical language of cognitive based therapy (CBT), we might say that "the… mechanisms [of] sustained attention to body awareness… lead to a situation of exposure, and the third mechanism (regulating for nonreactivity) facilitates response prevention, leading to extinction and reconsolidation."[140] In other words, Susan notes the existence of the bodily sensations related to fear and loneliness, but in the experience, she recalibrates her reactive response pattern. She lets the perceptions and experiences arise and fall away, and in doing so she is sensitized to their transitory nature. After months of mindfulness meditation, she even notices that her sense of self is subtly changing. For example, she no longer subconsciously identifies herself with the emotional and physiological responses that happen to be strongest at the moment.[141] In fact, she no longer experiences moments like the one described above in solely self-referential terms. She is simultaneously more aware of self (in terms of identifying present-moment sensations) and less self-aware (in terms of moving beyond the transitory moment and focusing, especially in her professional context, on others rather than self).[142] If pressed, Susan would say that her mindfulness practice has made her more compassionate with herself and others, more deliberate, less reactive, and has given her a sense of control and peace about her inner life. These qualities have immensely improved her capacity to attend to the needs and wants of dying patients and their families.

While deriving from ancient Buddhist practices, the account of mindfulness I have just provided is inflected in a thoroughly secular key.[143] Nevertheless, certain key elements of Buddhist

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[139] According to Hölzel, et. al., "During mindfulness, practitioners expose themselves to whatever is present in the field of awareness, including external stimuli as well as body sensations and emotional experiences. They let themselves be affected by the experience, refraining from engaging in internal reactivity toward it, and instead bringing acceptance to bodily and affective responses. Practitioners are instructed to meet unpleasant emotions (such as fear, sadness, anger, and aversion) by turning towards them, rather than turning away. Those people who are new to meditation often initially find this process counterintuitive, but many practitioners discover that the unpleasant emotions pass away and a sense of safety or well-being can be experienced in their place." See "How Does Mindfulness Meditation Work?," 545.

[140] Hölzel, et. al., "How Does Mindfulness Meditation Work?," 549.

[141] Hölzel et. al., call this process "de-identification" and "the deconstruction of the self." "By closely observing the contents of consciousness, practitioners come to understand that these are in constant change and thus are transient. The mindful, nonjudgmental observation fosters a detachment from identification with the contents of consciousness. This process has been termed "reperceiving" or "decentering"… and has been described as the development of the "observer perspective." "How Does Mindfulness Meditation Work?," 547.

[142] For an account of mindfulness-based palliative care, see Joan Halifax, *Being With Dying: Cultivating Compassion and Fearlessness in the Presence of Death* (Boston: Shambhala Publications, 2009).

[143] Gil Fronsdal describes the difference between Buddhist and secular mindfulness practices this way: "Rather than stressing world-renunciation, they [Western lay teachers] stress engagement with, and freedom within the world. Rather than rejecting the body, these Western teachers embrace the body as part of the wholistic [sic] field of practice. Rather

mindfulness remain central. Most important for our purposes is the connection between meditation and the de-centering of the self.[144] Even for non-Buddhist practitioners, the practice of mindfulness meditation requires one to adopt a posture of open receptivity and even vulnerability. Put in Christian terms, we might be tempted to say that she undergoes a *kenotic* form of *askesis*, in which she withdraws for the purposes of making space for whatever sensation of phenomenon might arise. The one who thus meditates makes herself, in a sense, a passive participant, and therefore enacts a form of agency that is fundamentally different from the form of agency that is prescribed in the modern social imaginary. We might loosely describe this form of agency as "submission" to the sensory field.

This reading of mindfulness becomes even more interesting and fruitful if we follow Coakley in discerning in the Christian practice of silent prayer an expression of true humanity's fundamentally *kenotic* posture viz. the divine. Perhaps here is a secular analogue to what Coakley describes as "Christic *kenosis*"? If so, then I would suggest that two implications follow. First, it follows that we should not be surprised, from a theological perspective, that the practice of mindfulness has been so enthusiastically embraced by both patients and physicians who deal with death and dying. For as I have argued throughout this dissertation, when we focus our attention on the way that Christian theology has articulated human agency, especially with reference to dying, and the way in which it has inculcated specific forms of agency through its practices (e.g., baptism, Eucharist, and silent prayer), we find an alternative account of agency than the one which stands behind the logic of the ICU—as well as behind certain aspects of our modern scripts for dying (i.e., hospice and euthanasia). In Ward's terms, just as Christianity offers a "standpoint" with "transcendent significance" that can help us "generate new imaginary significations" and pursue "practices of transformative hope," so too with the practice of mindfulness. It need not necessarily concern the Christian that many who practice

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than stressing ultimate spiritual goals such as full enlightenment, ending the cycles of rebirth, or attaining the various stages of sainthood, many Western teachers tend to stress the immediate benefits of mindfulness and untroubled, equanimous presence in the midst of life's vicissitudes" See Gil Fronsdal, "Treasures of the Theravada: Recovering the Riches of Our Tradition," *Inquiring Mind* 12:1 (1995). http://www.insightmeditationcenter.org/books-articles/ articles/the-treasures-of-the-theravada/. Here we see a clear confluence of two trends in modern American society: "spiritual-but-not-religious" and the "triumph of the therapeutic." Bhikkhu Bodhi, who is not wholly opposed to secular use of mindfulness practices, notes "a real danger that scientists who investigate traditional eastern contemplative practices might be swayed by materialistic premises to explain their efficacy reductively, on the exclusive basis of neurophysiology." See Bodhi, "What Does Mindfulness Really Mean?," 35.

[144] Hölzel et. al. note, "The essence of Buddhist psychology lies in the teaching that there is no such thing as a permanent, unchanging self. Rather, the perception of a self is a product of an ongoing mental process. This perception reoccurs very rapidly in the stream of mental events, leading to the impression that the self is a constant and unchanging entity… from a Buddhist perspective, identification with the static sense of self is the cause of psychological distress, and disidentification results in less afflictive experience and the freedom to experience a more genuine way of being." "How Does Mindfulness Meditation Work?," 547.

mindfulness do so without reference to the specifically Christian notion of God or of the spiritual life, at least as regards the endeavor to rethink our common cultural approaches to death and dying.[145]

The second implication worth noting works, in a sense, in the opposite direction. For, as noted, mindfulness has become a well-recognized evidence-based practice, and is being embraced by physicians, patients, and even medical educators. The secular nature of the practice (at least in the form it often takes) makes it especially amenable and non-threatening in our pluralistic context. (It is probable that medical school professors who instruct their students to participate in Christian contemplative prayer would receive at least a few skeptical looks.) Mindfulness seems (anecdotally) to lead to an increasing awareness and acceptance of one's finitude and mortality.[146] Beyond anecdotal evidence, however, there is also a growing body of evidence that suggests mindfulness is associated with a number of health outcomes, as well as reductions in stress, burnout and fatigue.[147] This literature, I believe, presents *a priori* evidence for those who desire to implement and encourage the practice of Christian contemplative prayer in end-of-life care. To be sure, there are undoubtedly important differences in the mechanics of mindfulness and silent-prayer. Additionally, some attention must be paid to issues of institutional context—for example, if the care is given at an explicitly faith-based hospice program or Catholic health care institution, it may be more natural and expected to offer instruction in Christian contemplation. Nevertheless, it seems likely that Christians should be more prepared and willing to draw upon the rich history of their practices in the clinic than they currently are.

§7. Conclusion: Christian Practices and Burdened Agency

To illustrate what this could look like, we might consider the Physician's Vocation Program, an elective track for medical students launched in 2012 at the Loyola University Chicago Stritch School

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[145] Though, there may be some elements which are troubling on both Christian and feminist grounds. For example, it is not entirely clear to me how Christians should evaluate the Buddhist notion of "no-self." On the one hand, Christians too recognize the need to dismantle certain assumptions of agency and the self that are endemic to modern western thought. On the other hand, the Christian notion of *kenosis* follows a pattern of death *and* resurrection, whereby the one who loses their (old) life does so in the faith that God will raise her to new life. *Kenosis*, as Coakley repeatedly urges, is not to be equated in Christian theological terms with the *obliteration* or *annihilation* of the subject, but rather with its existing in a special form of vulnerable self-giving which echoes and invites God's own special form of vulnerable self-giving. The New Creation, we do well to remember, is a very different notion than nirvana.

[146] See, e.g., Joan Halifax, *Being With Dying*; Judith L. Lief, *Making Friends With Dying: A Buddhist Guide to Encountering Mortality* (Boston: Shambhala Publications, Inc., 2001); Jon Mooallem, "One Man's Quest to Change the Way We Die," *New York Times Magazine*. Jan. 3. 2017 https://nyti.ms/2jAhF2R.

[147] The scientific literature is rehearsed by both Hölzel, et. al. ("How Does Mindfulness Meditation Work?") and Raski ("Mindfulness: What It Is and How It Is Impacting Healthcare").

of Medicine.[148] Students who opt into this program "explore the intersection of their faith and their professional development as physicians through a program of coursework, prayer, and reflection."[149] Wasson et. al. describe the program this way:

> The Physician's Vocation Program seeks to form physicians who will bring to the practice of medicine not only technical proficiencies and business efficiencies, but also human wisdom and compassion to the practice of medicine and the patients for whom they care. Our program does so through the use of a habit of reflection rooted in a spiritual tradition some five hundred years old—but ever new to those who employ it.[150]

The spiritual tradition in this case is the practice of Ignatian Spirituality, which lies as the spiritual foundation of the Jesuit Catholic tradition. Ignatian Spirituality is based on the writings of Ignatius of Loyola, specifically the short handbook of prayer called *The Spiritual Exercises*. Ignatius's

> foundational spiritual insight was that God was present to him through the routine elements of his daily life. This observation led him to understand God to be found "in all things." What is needed for a healthy spiritual life, then, is a habit of reflection that attends to God's presence or absence in the events of a day. The root of Ignatian reflection is first a process of personal introspection that moves to a decision about how one ought to love and to serve God in all things.[151]

The combination of attention, memory, and silent "listening" that occurs in this practice (called the "*examen*"), mirror similar reflective practices like mindfulness meditation. Further, the "non-judgmental" nature of mindfulness has a parallel in the Ignatian emphasis on "personal gratitude for all that has come into one's life in the course of a day."[152] The self-awareness that develops out of this reflective practice, however, is also "the cardinal pillar" for the Jesuits, for it is the first step toward "deepen[ing] students' commitments to becoming men and women for others."[153] Interestingly, this prayer practice is "augmented" with coursework that emphasizes "the spiritual roots of medicine's practice: the experience of illness, the possibility of healing and hope, what it means to be embodied and destined to die, and how one reconciles the claim of a loving God with a world that suffers."[154] McCarty notes how the Physician's Vocation Program constitutes a

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[148] See McCarty, "Diagnosis and Therapy in *The Anticipatory Corpse*: A Second Opinion," 635ff.
[149] Katherine Wasson and Eva Bading and John Hardt and Lena Hatchett et. al. "Physician, Know Thyself: The Role of Reflection in Bioethics and Professionalism Education." *Narrative Inquiry in Bioethics* 5:1 (2015): 77-86. https://muse.jhu.edu/ (accessed February 25, 2017), 83
[150] Wasson et. al. "Physician, Know Thyself: The Role of Reflection in Bioethics and Professionalism Education," 85.
[151] Wasson et. al. "Physician, Know Thyself: The Role of Reflection in Bioethics and Professionalism Education," 83.
[152] Wasson et. al. "Physician, Know Thyself: The Role of Reflection in Bioethics and Professionalism Education," 84.
[153] Wasson et. al. "Physician, Know Thyself: The Role of Reflection in Bioethics and Professionalism Education," 78.
[154] Wasson et. al. "Physician, Know Thyself: The Role of Reflection in Bioethics and Professionalism Education," 84.

> process of training in an alternate medical imaginary, making it possible for students to inhabit the world of modern medicine while maintaining a normative stance drawn from a "robust metaphysical community," as instantiated in the Catholic tradition of Ignatian spirituality. The program does not seek to replace standard medical training, but instead runs alongside it. Because of the training offered in coursework, spiritual direction, and daily reflection, students are given the habits necessary for a standpoint with "transcendent significance" to interpret, engage, and order other standpoints, enabling a single subject-position to be held with integrity. In the rhythms of daily practice, this makes possible the "work of generating new imaginary significations" as medical practices are no longer considered to be part of the dominant social imaginary … but are instead re-narrated within a religious conception of the practice of medicine.[155]

What McCarty does not outline is the specific way in which this program generates not only a new understanding of medicine, but also of human agency. The reflective practice of the *examen* and other prayers in *The Spiritual Exercises* are part of a long tradition of Christian silent-prayer that has seen the greatest form of empowerment in the openness and vulnerability to the divine. They are thus a kenotic activity of gentle space-making that, according to Coakley, become instances of the truest form of humanity before God. From this, I would argue, derives their power to "humanize an educational experience that can be at times emotionally and intellectually overwhelming and even toxic but ultimately rewarding and even transformative."[156]

In this chapter, we have considered a number of practices that bear on the Christian understanding of death, dying and human agency. We have noted that through these practices the Christian standpoint challenges and subverts the dominant social imaginary we described in Chapter 2. As a result, they are preparatory for generating new imaginary significations as well as new institutional arrangements. Both of these are necessary, but the former is more important in the short term. For Christians who are embedded in health-care practices, either as care-givers or patients, will find themselves enmeshed in the social and institutional arrangements that already exist. As a result, they will generally be expected to navigate among their various values and commitments *within*, rather than *apart from* modern medicine. Nevertheless, the practices of preaching, baptism, Eucharist and silent prayer, I suggest, can lead to "transformative practices of hope" at the end of life.

As we draw closer and closer to death—a process, we do well to remember, that occurs throughout our lives—those shaped by these Christian practices will be practiced in giving over their life to God. They did so in their baptism. They were formed into the broken body of Jesus, the one

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[155] McCarty, "Diagnosis and Therapy in *The Anticipatory Corpse*: A Second Opinion," 636.
[156] Wasson et. al. "Physician, Know Thyself: The Role of Reflection in Bioethics and Professionalism Education," 86.

who gave himself for all humanity, through the Eucharist. They continually "emptied" themselves through silent prayer which waited on God. They witnessed the encounter of the gospel with death through the proclamation of the word of life. The burden of agency will not finally be solved or taken away, but can be experienced differently once our underlying assumptions about human agency are challenged by an alternative vision. Infused with Christian language and formed by Christian practices, dying can become a culmination and extension of a life-long process of entrusting one's life and future to the God who is Lord over both life and death.

CONCLUSION

> You have died, and your life is hidden with Christ in God (Colossians 3:3).
>
> In this Easter Saturday of our own, where in conformity to Christ we give ourselves to death and burial, beside and with Christ there on the way to being with him also in his Easter victory, there is highlighted at last, as a truth and possibility for each of us, that enigma which we recognized above as first and foremost a reality and possibility of God's own being. It is true, mysteriously, of God on Easter Saturday, that one who loses life shall find it, that the very Almighty proves powerful, creative, and abundant only in an ontological surplus which depends upon accepting impotence, defeat, and self-negation. So now it becomes the truth for us as well, that if we would find and fulfill our selves we must first give them up, surrendering our egos, lives, and identities to death. Fullness comes through emptiness and loss, and only thus, says Easter Saturday; this anthropologically means that we become complete and mature as human beings only through giving up the supposed maturity and imagined adequacy of our selfhood, becoming [like] children once again.[1]
>
> The principle runs through all life from top to bottom. Give up your self, and you will find your real self. Lose your life and you will save it. Submit to death, death of your ambitions and favourite wishes every day and death of your whole body in the end: submit with every fibre of your being, and you will find eternal life. Keep back nothing. Nothing that you have not given away will ever be really yours. Nothing in you that has not died will ever be raised from the dead.[2]

§1. Human Moral Agency *Sub Specie Mortis*

This dissertation began by analyzing a problem of social and practical ethics and ended with a theological account of human agency. In between, it moved between intellectual history and cultural sociology, philosophical anthropology and systematic, moral, and liturgical theology. It is worth recounting how we got from point A to point B. The following section (§1) will offer a summary of the central conclusions of thus dissertation, as well as a recapitulation of its arguments. The final section (§2) will address issues which remain unsettled and suggest questions for further consideration.

The quotations which begin this conclusion all point to a basic (if paradoxical) dynamic of Christian theology: true and authentic selfhood is found only on the far side of a divestment of self which resembles (and perhaps actually culminates in) death. This dissertation is about the intersection between selfhood, moral agency, and dying, as it is differently understood by modern social imaginaries, on the one hand, and the Christian theological standpoint, on the other. This dissertation approaches this question from the vantage point of modern practices of dying. For it is the practical

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[1] Alan E. Lewis, *Between Cross and Resurrection: A Theology of Holy Saturday* (Grand Rapids: W.B. Eerdmans, 2001), 444.
[2] C. S. Lewis, *Mere Christianity* (San Francisco: Harper, 2001).

problem of "dying well" that has become an existential issue for a great many people in modern society, for reasons outlined at length in Chapter 1. At least part of the difficulty, I have suggested, has to do with particular substantive beliefs about human selfhood and moral agency embedded within our institutions, discourses, and practices of dying. These beliefs and assumptions often remain subterranean and inarticulate, but this fact does not make them any less powerful and persuasive. Indeed, the strength of a set of norms is often directly correlated with the degree to which those norms are taken-for-granted.

The moral phenomenon which brings these issues into view is that of "burdened agency." Chapter 1 introduced "burdened agency" as a term-of-art for describing a twofold phenomenon in end-of-life health care today. The first aspect is the burden *of* agency, which is to say that death and dying is increasingly marked by the seemingly endless proliferation of choice. Some manner of control over the dying process is certainly a great good, but the availability of technological control results in a situation in which patients (or their medical proxies) are expected to make concrete choices about the manner and timing of death. I noted that such choices can be exceedingly difficult to make, but are often very difficult to avoid. For death has become largely medicalized and there are subtle, unseen factors that have pushed medicine toward a stance of "technological brinkmanship" at the end of life. The aim is to come as close to the line of overtreatment without crossing it, but the reality is that our fear of dying poorly has now come to be associated with our expectation that this line is as likely to be crossed than not.

The story of how medicine came to adopt this posture was the subject of the first half of Chapter 1. In comparison with pre-modern, late-medieval dying, the death which arose in the 19th century was characterized by privacy, isolation, technological intervention, and efficient rationality. Important stages in the development of modern dying included the development of diagnostic and therapeutic technologies that subtly drove a wedge between physician and patient, and reinforced the process of medical specialization. This, in turn, catalyzed the development of modern hospitals, in which death and dying became increasingly an isolated experience. During this time, I suggested, medicine was also increasingly influenced by a mechanistic anthropology, which understood life as a series of functions that prevent death, and which understood the medical task in terms of preserving the functionality of discrete organs or systems. This form of medicine finds its zenith in the modern Intensive Care Unit (ICU). The multiplication of end-of-life "dilemmas" in the ICU was met by an emphasis on patient autonomy, and the subsequent proliferation of choice. But such choices, at least initially, were woefully focused on the very last moments of life, often culminating in a medically-

timed death. Choice, of course is not inherently bad. To speak of the burden *of* agency, is not to conclude that it would be better if choices were withheld from patients at the end of life. The language of burdening refers rather to the phenomenological level, the experience of *having*-to-choose. These choices may feel especially burdensome when they are disproportionately and unnecessarily focused on the actual moment of death. Upholding and increasing a sense of agency throughout old age is a laudable goal, and if our culture was more attuned to its own shortfalls in dealing with death, we might find that those who have a greater sense of agency earlier in the dying process are less likely to be thrust into the decision-making role under the acute conditions of critical care.

But it is not simply the existence of choices that burdens agency. The second half of Chapter 1 explained the sociological concept of reflexivity, a general feature of modern and late-modern life that is helpful for understanding what makes dying distinctively difficult for many today. The movement of death into the realm of the hospital (what Sherwin Nuland called "hidden death"), which had certain concrete and material causes, also manifested (and reinforced) a deep cultural aversion to death and dying that became especially obvious in the latter half of the 20th century. As much as possible, death was moved to the edges of public consciousness, a fact visually represented by the movement of graveyards (ostensibly for reasons of public health) from the center of towns and church properties to the outskirts of the more populated areas. The "sequestration" of death and dying had many social effects, including a loss of cultural capacity and an increasing sense of awkwardness about speaking about death or speaking with those who are grieving. These dynamics demonstrate death's "de-institutionalization." Strong (and stabilizing) institutions have the effect of moving marginal situations like death into the "background" of experience by embedding them in established social practices. To be clear, this does not mean making death less visible or present. On the contrary, it means providing "answers" to basic questions of existential concern so that the individual is not consumed by the process of perpetual negotiation of meaning. "Reflexivity," in this dissertation, refers to such constant and personal negotiation taking the form of the "routine contemplation of counterfactuals" (Giddens).

The culmination of the modern way of dying is death in the ICU. This is also the place where the problem of burdened agency is felt most acutely. The past few decades, especially, have witnessed the rise of two especially visible "cultural scripts for dying" (Banner) for those who hope to avoid death in the ICU: physician-assisted suicide (PAS)/euthanasia, on the one hand, and hospice/palliative care, on the other. These scripts have each increasingly entered the mainstream as our society seeks to enable people to die in ways that are more humane and which do not simply extend the dying

process (and the suffering of dying) through the technological brinkmanship discussed above. Each script, in its own way, addresses the problems associated with burdened agency, but an honest appraisal of each must also acknowledge certain shortcomings. These include difficult questions regarding the effect of a more open policy of PAS and euthanasia on vulnerable elderly and poor patients, as well as the problem of expecting persons to construct meaning at the end of life through an embrace of individualism and reflexivity.

The purpose of Chapter 2, however, was not primarily to assess the merits and demerits of these two scripts, but rather to use them as a means for plumbing more deeply into the philosophical backdrop of our practices of dying. Drawing heavily on the work of Charles Taylor, I suggested that we can better understand how these practices (the ICU, euthanasia, and hospice) function in our society by explicating the "moral ontology" that is embedded within them. Substantive beliefs and assumptions about human personhood and moral agency constitute a "social imaginary" that sets the terms for public discourse and guides moral deliberation about death and dying. I argue that Taylor's account of the "modern identity" is especially helpful, for it helps to explain why certain values (e.g., autonomy and control, avoidance of suffering, and the expression of individuality and authenticity) have become so prevalent in the discourse about PAS and hospice. Chapter 2 concluded by suggesting that this dominant social imaginary advances an account of philosophical anthropology and human agency with a specific shape. This account not only over-determines our discourse about end-of-life ethics, but is also open to critique, specifically from the direction of Christian notions of theological anthropology. Drawing on Graham Ward's work with feminist standpoint theory, I suggested that an explication of the Christian "standpoint" would provide resources for subverting this dominant narrative. This cultural critique, I contended, was not best conceptualized in terms of the creation of alternative social spaces, but rather in terms of "generating new imaginary significations" (Ward) for describing human agency toward dying (both from the perspective of patients and physicians).

The central chapters of the dissertation (Chapters 3-5) provided an extended discussion of the Christian standpoint regarding human agency in dying. This discussion begins in Chapter 3 with an account of the Roman Catholic understanding of death, dying and human mortality, with special attention to how that tradition has spoken of the agency of the dying person. Among the many strands that could have been consulted for these central chapters, it might be asked why begin with this particular tradition. In Roman Catholicism, and especially in the official teachings of the Magisterium, we find a perspective on death and dying that is fairly consistent through time, and which preserves many traditional elements of Christian doctrine. Roman Catholicism, especially in its natural law

variants, has also been particularly influential in the development of modern law and political philosophy, and is therefore a point of contact for engaging in public discussions of death and dying.

Though it is popularly assumed to be a conservative and monolithic tradition, Chapter 3 demonstrated that Roman Catholic moral theology is both capacious and dynamic in conceptualizing human agency-in-dying. The Magisterium and the New Natural Law (NNL) tradition each understands death as a great evil which is opposed to the divine intentions for humanity. This "death" is both a spiritual and a physical reality, affecting body and soul. Death is both the "wages of sin" and the "last enemy" to be destroyed. Death and life, however, remain under the sovereignty of God. Therefore, life is not to be arbitrarily destroyed by human beings who are stewards of life which ultimately belongs to God. Suicide and euthanasia are morally illicit insofar as each directly intends the moral evil of death. We noted that especially in the NNL tradition, human agency in dying is primarily a matter of avoiding an act that directly and intentionally causes death, for NNL treats life as a basic (at times nearly supreme) good. Chapter 3 then turned to the thought of two post-Vatican II thinkers, Richard McCormick S.J. and Karl Rahner S.J., each of whom approaches agency-in-dying from a more theological perspective. Richard McCormick's "personalism" led to a more inclusive range of factors for making determinations about the value of life *for* particular agents, and his "proportionalism" led to him to de-emphasize the "act" (understood in terms of a narrowly physical description) as the unit of moral analysis. He was, therefore, more open to actions that result in death and dying, without thereby drawing on the moral grammar of the modern social imaginary. Karl Rahner provided a framework for understanding death both as a "natural end" and as a "personal act," thereby further emphasizing human agency-in-dying. Like McCormick, however, Rahner draws on a different theological anthropology in describing the style of agency that is called for in the Christian standpoint. For the "act" of dying is best understood theologically as a surrender unto death, a genuine "giving up" of one's life in faith. An "act" of "giving up" is a peculiar form of agency, but it is agentic nonetheless. Chapter 3 concluded by suggesting that Rahner's theology manifests what Servais Pinckaers has called "a spirituality of martyrdom," which finds in the early Christian martyrs a "witness" and example of true (Christian) agency, characterized by faithfulness unto death and a free giving up of the self.

Chapter 4 turned to a very different theological perspective, yet one that has been no less influential for modern theological ethics. In the hands of Karl Barth, death is presented as an aspect of human creatureliness and finitude, which, properly understood, can be affirmed, accepted and embraced. Barth's theology of death, however, is multifaceted and, in a term that is often associated

with Barth, "dialectical." In order to do justice to this fact, Chapter 4 explicated Barth's understanding of death under three aspects: (a) death as evil, a sign of judgment and guilt that is rightfully feared and hated (i.e., empirical death); (b) death as the gracious end of the sinner, the means for putting away "the old self," and therefore the place where God's superabundant mercy meets the human being; and (c) death under the aspect of creaturely finitude, the gracious de-limitation of the human being in all her particularity, and the presupposition of real relationship between God and the human-being (i.e., natural death). When Barth considers human dying in light of (his idiosyncratic, Christological conception of) the divine command, it gives rise to an ethics of creatureliness. Barth suggests that humans consider their time between birth and death in light of its singular uniqueness—life is a unique, never-to-be-repeated opportunity with a genuine beginning and end. Considering life in light of this end should not be a cause for complaint; it should rather be accepted as an affirmation of God's goodness is giving each person the particular life she has been given. Life is to be respected and received with gratitude. It is true that death bounds one's life, but Barth reminds the reader that there is a limit even to death, for God stands as Lord over life *and* death. Human agency-in-dying should appropriately correspond to a recognition of the goodness of creaturely finitude, eschewing pretensions of immortality and limitlessness. Practically speaking, there is dignity, from Barth's perspective, in a form passive-agency that follows the example of Jesus, who kenotically gave himself over to death.

Chapter 5 argues that the Roman Catholic "spirituality of martyrdom" and the Barthian "acceptance of creaturely finitude" converge distinctively in the work of contemporary theological ethicist Stanley Hauerwas. For this reason alone, Hauerwas's theology commends itself as a fitting culmination of the central theological chapters of this dissertation. But Hauerwas is also a fruitful source for connecting the cultural analysis which began the dissertation with the discussion of ecclesial and medical practices which concludes it. For Hauerwas exemplifies in many ways the sort of cultural engagement that Graham Ward commends at the conclusion of Chapter 2. In Chapter 5, then, I demonstrate Hauerwas's sympathy with a Barthian notion of creatureliness as this is worked out both substantively and methodologically. Hauerwas's emphasis on description over decision reflects a theological anthropology that attends to the temporal finitude and particularity of human agents, for ethics in time always begins *in medias res* (this is also why Hauerwas writes essays instead of treatises). Hauerwas's conviction that truthfulness and community are interrelated reflects his conviction that individuals are shaped for moral agency by the communities of which they are a part. Vision precedes action, language precedes vision, and communal practices precede language. Finally, Hauerwas's

affirmation of the inescapably tragic character of human existence reflects his belief that we are bound by our pasts, such that true freedom is not freedom to make oneself anew but the ability to integrate a tragic past into one's present so that one can "go on." Each of these basic convictions affirms the finitude, particularity, and historical embeddedness of human agency. This ethics of creaturely finitude stands in stark contrast, according to Hauerwas, with the presumptions of modernity and liberalism, each of which eschews or ignores the constitutive role of human limits. The denial of limits is reflected in modern medicine, which is misappropriated for the goal of eradicating death and suffering and maximizing human choice. (Hauerwas is careful not to blame medical professionals for this; it is a social problem driven primarily by expectations of patients.) In doing so, however, modern medicine has the ironic effect of becoming destructive, for in its inability to imagine meaningful suffering, it ends up eliminating the sufferer in the name of eliminating suffering. This stands in contrast to the example of the early church martyrs, which demonstrates that death is only a relative evil. Correlatively, Christians should not be concerned primarily with not dying, but with dying "for the right thing."

Hauerwas's posture toward death and dying reflects the centrality of Christology and eschatology to his notion of human agency and ethics. Hauerwas argues that the Gospels present Jesus as the fulfillment of Israel's vocation to imitate God (*imitatio Dei*). Jesus does this precisely by rejecting false and worldly forms of divine imitation, which all too easily resort to violence and coercion in the name of making things turn out right. Rather, in the crucifixion, Jesus's non-violent willingness to suffer reflects the self-giving and patient character of God, and therefore also the shape of God's eschatological Kingdom. Through his kenotic dispossession of power, Jesus triumphed over the principalities and powers. This frees the church from the need to assume control over their salvation and over the course of history. For Hauerwas, the Christian life is a matter of learning to let one's life be conformed to the Kingdom, which means that "[d]iscipleship is quite simply extended training in being dispossessed."[3] This "ethics of dispossession," I suggested, is a potentially fruitful notion for cultivating a form of moral agency that is prepared for the ultimate dispossession that occurs at the end-of-life. Chapter 5 concluded by considering how the "ethic of dispossession" is, perhaps, best exemplified today in the communities like *L'Arche* that are committed to living in friendship and solidarity with persons with disabilities.

[3] Hauerwas, *The Peaceable Kingdom*, 86.

Having commended three theological tropes (spirituality of martyrdom, acceptance of creaturely finitude, and the ethics of dispossession) as alternative notions of human moral agency embedded in the Christian narrative, Chapter 6 then returns to Ward's account of cultural transformation and religious practices. How, it asks, can these central notions of moral agency affect social practices that surround death and dying? Some would propose that the best, perhaps only, way the Christian standpoint can lead to a distinctive contribution in social practices is through the creation of alternative institutions and social spaces in which the logic of Christianity can find true and uncontested expression. This is not the path developed in Chapter 6. Rather, I suggested that a greater emphasis on the logic of moral agency embedded in central Christian practices could have a more organic effect on end-of-life care by "generating new imaginary significations" for both dying patients and those who take care of them. Christian practices like preaching, baptism, Eucharist, and contemplative prayer exhibit and inculcate forms of agency that subvert the assumptions of modern moral anthropology and the dominant social imaginary. So, for example, preaching challenges the reticence of contemporary culture toward death and dying. Following Brueggemann, I proposed that preaching inculcates a "prophetic imagination" that is willingly counter-cultural. Where our culture finds it difficult to speak of death, the ministry of the word should be all-the-more willing and ready to publicly address end-of-life issues. The preacher's willingness to name death from the pulpit (or, for example, the church's willingness to offer adult education classes on end-of-life themes) frees individuals to bring their fears and hopes, and even their very dying, out of the shadows.

I then drew attention to the close association drawn between baptism and martyrdom in the early church, arguing that baptism (dying and rising with Christ) can be understood as an initiation into a matyrial identity. In baptism, one willingly hands oneself over to death (submerged beneath the waters) as a witness to one's faith in the resurrection. The "surrender of the self," I suggested, is nothing new to a baptismal people, who have already surrendered to "death before death." In light of this I wondered what it would mean to imagine the end-of-life as a "second baptism." Gracefully accepting the dispossession of old age because one has already been dispossessed of self in baptism is a form of martyrdom for the church today. For the church to embrace this "transformative practice of hope" would challenge dominant cultural assumptions about aging and disability. But it would require the courage of our older persons to age publicly, so that their example of graceful dispossession can truly stand as a *witness* for the edification of the Church.

The third practice explored in Chapter 6 was the regular practice of the Eucharist, or Lord's Supper. In the Eucharist, the Christian is conformed to the broken body of Jesus Christ, and thereby

marked by and for Christ's kenotic, self-giving love. Following Rahner's notion of the "fundamental option," I suggested that a Eucharistic identity manifests an alternative notion of human freedom as the yielding of one's life to divine providence. The Christian approaches the altar with empty hands, turned up in a posture of receptive and open submission to what God has for her, which is ultimately Godself. What she receives is a sign of the death before which she must ultimately submit, and which she anticipates in the "prolixitas mortis" which occurs throughout her entire life. Every Eucharist is an invitation to be conformed to Jesus in his submission unto death: but this very same invitation is extended in every moment of life, and perhaps most acutely in every experience of suffering. The subversive potential of the Eucharist for end-of-life practices derives from its ability to re-embed language of brokenness and (creaturely) limits in the story of God's redemptive self-giving.

The final practice examined in Chapter 6 is perhaps the most quotidian of all: prayer. Specifically, in contemplative prayer we find a form of kenotic self-emptying that seeks true empowerment by waiting on the divine. Drawing on the work of Sarah Coakley, I noted that important feminist concerns about glorifying self-sacrifice do not completely negate the value of such kenotic prayer. For *kenosis* need not simply reinforce harmful gender stereotypes and sexist norms if it succeeds in reimagining our very notions of weakness, passivity, or vulnerability as exemplifying a special sort of human strength, rather than feminine weakness. Contemplative prayer begins with practices of patient waiting, in a sense dispossessing oneself of control over the process in order to make space for God's gentle presence. Enacting such patient openness is the key to inviting the divine presence and empowerment. It is, to use Ward's language, a self-emptying (*kenosis*) of human agency that aims at a filling (*plerosis*) with divine agency. Coakley contends that this ideal of "power-in-vulnerability" is much needed today. Chapter 6 concluded by exploring the power of contemplative prayer to reshape practices of dying. It did so through a comparative inquiry into the use of mindfulness meditation in end-of-life health care settings and Ignatian spiritual exercises in the Physician's Vocation Program.

§2. Questions for Further Consideration

In the introduction, I was careful to point out that the goal of this dissertation was not to provide a manual for end-of-life choices. Instead, this dissertation pursued more descriptive and interpretational tasks. It has sought to give a thorough description of the phenomenon of "burdened agency" in dying, to give a historical account the conditions that have led to its prevalence, and to explicate the latent, yet powerful complex of moral notions embedded in our practices of dying. Once

made explicit, these moral notions of human agency and personhood could be contrasted with alternative accounts that have been preserved in religious (in this case, Christian) thought and practices. The path this dissertation has taken reflects certain intuitions of its author. One such intuition is the belief that the answer to the question "what should we do?" depends upon how one answers the question "what's going on?" Another is the sense that the moral life is exceedingly complicated, and that the more specific one is with prescriptive "action-guides," the more likely one is to "say too much." This is, I believe, more than a self-protective posture of a shrewd graduate student. It is a humble recognition of the limits of prescription in light of the complexities of particular moral situations. Some readers will think I have already said too much in terms of normative claims. Others, perhaps, will think that I have hesitated where more needed to be said.

More, indeed, needs to be said. Some of it must remain at the level of description. For example, the issues mentioned in the introduction regarding race, class and gender remain. How, we might ask, is the basic problem of "burdened agency" differently inflected in the experience of women and persons of color? How do various ethnic and cultural differences or socioeconomic factors affect the experience of agency at the end of life? The same can be asked of globalism and the variable forms of medicine in international settings. The account of "burdened agency" provided here would be greatly enhanced with attention to such issues, even if by showing the limits of the account I have provided here.

In addition to elaborating the account along these lines, this dissertation could be fruitfully extended in (at least) three different directions. These include: (a) agency-in-dying from the perspective of comparative religious ethics; (b) the question of alternative institutions and social spheres; and (3) the question of PAS and euthanasia policy and practice. Let us briefly describe each in turn.

(a) Agency-in-dying and Comparative Religious Ethics: One of the distinctive contributions this dissertation hopes to make to the field of religious ethics is the claim that the predominant practices and moral discourse about death and dying reveal deep convictions about human personhood and moral agency. This dissertation has sought to demonstrate the truth of this claim with reference to the broader "modern social imaginary," as well as with reference to Christianity. It remains to be seen if this relationship holds in other social contexts and with reference to other religious perspectives. I suspect that it largely does, but an informed judgment in this regard would have to follow the hard work of comparison. Whether the relationship between dying and agency *exactly* follows the specifically Christian perspective examined here is doubtful. There is much variability in how various religious traditions approach death and dying, including differences in

mourning and funereal practices, stances toward medicine and technological life extension, the permissibility of suicide and euthanasia, and conceptions of a "good death." Some ancient philosophical schools found no evil in death (as Epicurus said, "as long as you are, death is not, and when death is, you no longer are"). The image of Socrates cheerfully discussing the immortal nature of the soul with his companions before taking the hemlock inspired many, from his student Plato to the later Stoics, to see death as the soul's release from the body to be freely chosen if the conditions of life threaten one's attainment of virtue and happiness (*eudaimonia*). Ancient Israel, it is often claimed, understood death mostly in naturalistic terms, as a fairly unproblematic aspect of the divine intention for human beings, which resulted in a shadowy-sort of existence (if "existence" we can call it) in the underworld (*Sheol*). In the later period of Second Temple Judaism, fueled largely by theodical speculation about the fate of religious martyrs, there arose a hope of eschatological divine judgment resulting in resurrection from the dead—a widespread, yet contested belief among the Jews during the lifetime of Jesus.[4] We have addressed Christian views at length in this dissertation, though the treatment was in no way comprehensive. Some early Christians (e.g., Tatian) more closely resemble the ancient Hebrew beliefs; some (e.g., Ambrose of Milan) sound very much like Stoic philosophers.[5]

Two religious traditions seem especially poised for comparative assessment with the theological themes of spirituality of martyrdom, creaturely finitude, and ethics of dispossession. The first is Islam. "Islam," of course, literally means "submission," a point which surely has some relevance for understanding Islamic views of death, dying and human agency. What insights would be revealed by comparing the account of Muhammad's death and the various sayings regarding death and dying in the *Sunnah* with the account presented in this dissertation? How does the Islamic understanding of martyrdom relate to the Christian understanding, especially with reference to the notion of trusting diving agency and control over history? Are there practices in Islam that similarly inculcate a posture

[4] Jon Levenson labelled this account of the ancient Jewish view of death "the consensus view" before calling into question almost every one of its basic assumptions. There is no need to arbitrate between Levenson and the "consensus view" here, except to note that Levenson's position is an important addendum for anyone who is interested in the deep *theological* roots of the Jewish hope for resurrection. See Jon Levenson, *Resurrection and the Restoration of Israel: The Ultimate Victory of the God of Life* (New Haven: Yale University Press, 2006).

[5] On Tatian, see Jaroslav Pelikan, *The Shape of Death: Life, Death, and Immortality In the Early Fathers* (Westport: Greenwood Press, 1978); On Ambrose, see Ambrose of Milan, "On Belief in the Resurrection," in *Nicene and Post-Nicene Fathers, Second Series, Vol. 10*. Ed. Philip Schaff and Henry Wace. Trans. H. de Romestin, E. de Romestin and H.T.F. Duckworth. (Buffalo, NY: Christian Literature Publishing Co., 1896.) Revised and edited for New Advent by Kevin Knight. <http://www.newadvent.org/fathers/34032.htm>.

of "self-emptying"? How does Islamic preaching approach death and dying, and has it resisted the forces of modernity in ways that differentiate it from Christian preaching?[6]

The second religious tradition that recommends itself for comparison is Buddhism—a point which may be unsurprising given the gesture in this direction offered in Chapter 6. The comparison between Buddhist practices of mindful meditation and Christian contemplative prayer provides a beginning point for reflection, but a fuller account would investigate more general religious and philosophical issues. In some ways, the Buddhist conception of death could not be any further from the Christian. In Buddhism, for example, the goal of ethical and religious life is the achievement of *true* death—a death which releases one from the cycle of (re)birth and (re)death. The attainment of this release (Nirvana) occurs through enlightenment, but not simply as a cognitive recognition of "fact." Rather, the individual must be formed through practices of detachment from desires and from the illusion of individual selfhood. We have noted convergence between one form of mindfulness meditation and one form of Christian prayer. Are there others?

A comparative study would be valuable for multiple reasons. First it would help to refine and clarify the particular posture toward dying and human agency recommended by *each* religious perspective. Second, it would reveal both distinctiveness and commonality. Both are important for suggesting how proponents of particular religious perspectives engage with the broader cultural imaginary. Distinctiveness of beliefs about death may suggest strategies of withdrawal or cultural accommodation; commonalities may suggest areas for potentially overlapping consensus. Common cause can be found where different traditions share structural isomorphism—with respect to death and dying, this could be of use, for example, for hospital chaplains who are expected to minister to patients of different faith traditions. Each patient must be taken on her own terms, but a general understanding of religious attitudes toward death, dying and human agency can provide a helpful starting point for beginning discussions about end-of-life issues.

(b) <u>The Question of Alternative Institutions and Social Spaces:</u> This dissertation has made a number of observations about institutional life in contemporary America. It has claimed that a general feature of modern life is the de-institutionalization of certain areas of existential concern, such as death and dying. By "de-institutionalization," it referred to the process whereby the norms and practices that guide action and reflection become destabilized and fragilized (largely, but not exclusively, as a result

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[6] See, e.g., Charles Hirschkind, *The Ethical Soundscape: Cassette Sermons and Islamic Counterpublics* (New York: Columbia University Press, 2006), esp. Chapter 6: "The Acoustics of Death"; Lucy Bregman. *Preaching Death: The Transformation of Christian Funeral Sermons* (Waco: Baylor University Press, 2011); and Fred B. Craddock, et al., *Speaking of Dying: Recovering the Church's Voice In the Face of Death* (Grand Rapids: Brazos Press, 2012).

of cultural and structural pluralism), resulting in a "foregrounding" of meaning. Issues and questions that strong and stable institutions succeed in "bracketing" out of everyday concern are brought back onto the level of individual consciousness and reflection. That is not to say that individuals and communities are no longer influenced by institutions. That would probably be impossible. Humans are culture-making beings. But the institutions that are most influential over death and dying today are arguably different-in-kind from those of previous eras. Advanced market-capitalism and the medical research-industrial complex are, to use Baumann's term, "liquid." To paint with broad strokes, these institutions thrive on novelty, and reinforce the foregrounding of choice in the name of creating a form of agency (that of the "consumer") amenable to marketing and advertising.

There are two questions that follow from this way of framing the matter. The first is whether the primary strategy for dealing with "burdened agency" should not be the re-institutionalization of death and dying. Should religious believers, for example, concern themselves with strengthening ecclesial or religious institutions in order to cultivate virtuous moral formation and stronger religious sensibilities? At the time of writing this conclusion, there is a debate bubbling up among a segment of the American evangelical Christian population regarding the so-called "Benedict Option" recently popularized by journalist Rod Dreher.[7] The details of Dreher's proposal and its various critics need not detain us. In short, Dreher argues for a "strategic withdrawal" of Christians from broader secular culture for the purpose of preserving Christian orthodoxy and encouraging virtuous moral formation.[8] This dissertation has not encouraged such a strategy, and has tried to avoid the suggestion that the marginalization of Christianity (if, indeed, such is the case) constitutes a threat to Christian orthodoxy or faithfulness. It *has*, however, pointed to the formative nature of religious practices, their ability to inculcate moral notions and postures that subvert the dominant social imaginary. It also noted, in Chapter 5, the importance of the interrelation between community and truthfulness, including the relationship between the coherence of moral notions and how they take expression in the life of the community (or do not). A question that remains unanswered, however, is whether contemporary religious institutions are, or whether than can become, "solid" enough to withstand the liquidization of modern society. For those who encourage individuals to embrace "tradition" do not often recognize the fact that the "choice" of tradition does not easily extricate individuals from the fragilizing

[7] Rod Dreher, *The Benedict Option: A Strategy for Christians in a Post-Christian Nation* (New York: Sentinel, 2017).
[8] Dreher's proposal is not particularly novel or original. In a way, it is a reiteration at the popular level of debates that played themselves out in the philosophical and theological academy in the 1980s and 1990s. See Brad East, "Theologians Were Arguing About the Benedict Option 35 Years Ago," *Mere Orthodoxy Blog* (March 13, 2017) https://mereorthodoxy.com/theologians-arguing-benedict-option-35-years-ago/.

and destabilizing effects of pluralism. There is already a vast literature on the relationship between church and culture—but the general question remains relevant for the practical outworking of the ideas presented in this dissertation. More work will need to be done to determine how the church can best go about the task of formation in order for the spirituality of martyrdom, acceptance of creaturely finitude, and ethics of dispossession to take hold as "lived theology," in order to truly "generate new imaginary significations" for Christian practices at the end of life.

Chapter 2 noted that Ward's model of cultural transformation included two aspects: "[1] generating new imaginary significations, and… [2] forming institutions that mark such significations."[9] We have just noted a lingering question about the first aspect: whether the church is sufficiently positioned to cultivate agents with alternative "imaginary significations." Nevertheless, this dissertation focused on the first aspect, claiming that it was a realistic goal and also a necessary precursor to the second aspect, the formation of institutions that mark such significations. A question that remains to be investigated is whether, and to what degree, *alternative* institutions need to be created in order to the Christian standpoint to come to expression in concrete social practices of dying. For example, should Christians seek to create and maintain faith-based hospitals or hospice-programs that reflect their distinctive posture toward dying? Periodically, Hauerwas seems to suggest something along these lines.[10] Ultimately, however, the Hauerwasian position emphasizes the right *use* of medicine by Christians, rather than the development of distinctively Christian medical institutions.[11] The important ethical work, we might say, occurs in the formative practices of the community, which mediates a constitutive story and language to the individual. As the example of Dame Cicely Saunders demonstrates, however, there are times when dominant institutional logics and power dynamics require those who would develop innovative approaches to do so outside the confines of the established structures. It would be enlightening to examine contemporary examples of such alternative institutions in end-of-life care (including non-medical institutions), analyzing the degree to which they allow for a more consistent approach to death and dying, and whether those who participate in them experience "burdened agency" to a greater or lesser extent than is typical in the contemporary "scripts" for dying.

(c) <u>The Question of PAS and Euthanasia Policy and Practice</u>: The perceptive reader may have noticed an asymmetry within this dissertation's analysis. Chapter 2 noted the prevalence of two

[9] Ward, *Cultural Transformation and Religious Practices*, 146.
[10] See, e.g., Stanley Hauerwas, "Finite Care in a World of Infinite Need," *Christian Scholar's Review* 38:3 (2009): 327-333.
[11] For an example of this approach, see Joel James Shuman and Brian Volck, *Reclaiming the Body: Christians and the Faithful Use of Modern Medicine* (Grand Rapids: Brazos Press, 2006).

"scripts," for those who desire to avoid the technological brinkmanship of the ICU: namely, physician-assisted suicide (PAS) and euthanasia, on the one hand, and palliative care medicine and hospice, on the other. That chapter noted various shortcomings for each script, including pitfalls shared by both (such as their mutual inapplicability to the prolonged-dwindling illness trajectory and their overreliance on a particular notion of the relationship between freedom of choice and personal identity). One should not imagine, nor is the reader likely to conclude, that the subsequent philosophical and theological analysis aims to present each script on an equal footing. Much will hinge on how one interprets and describes what is happening when someone resorts to PAS, for example, or when someone enters hospice care, but the general tone of the analysis quite obviously favors the latter over the former. (This is not to say that I assume, in most cases, that there is a decision to be made between these two options only). As a result, we might say, the critiques of each script were made at different levels: the discussion about hospice generally regarded *how best* to conceptualize its practice and contribution; the discussion about PAS and euthanasia tended to focus on *whether* such practices should be considered illicit or should be made more readily available to individuals at the end of life.

For all of this, this dissertation finally declined to offer a global assessment of whether PAS and euthanasia should be considered morally wrong or morally acceptable. One reason for reticence on this issue is the fact that individual cases admit of much more complexity than can be considered in a more general discussion. Another reason is that this dissertation has primarily focused on "attitudes" and "postures" toward agency-in-dying from a single, tradition-specific perspective. It is not at all clear to me how an analysis on *this* level would yield a general conclusion about PAS and euthanasia with universal moral applicability. The particular posture outlined here does, I believe, correspond more easily with the practices of hospice medicine and palliative care, insofar as these can be described as forms of medicine that help patients with the very difficult process of "letting go." In hospice, death can be understood as a kenotic act of dispossession and witness that occurs when one is able to surrender oneself to a death that is inevitable and (ultimately) out of your control. To be sure, it is also *possible* to describe PAS in this way—though the description seems a bit more tenuous (we have already noted how central the maintenance of control remains among the concerns of potential PAS patients).

How a community that is formed by the "imaginary significations" of the Christian standpoint—as articulated in this dissertation—would evaluate particular instances of PAS and euthanasia, or how it would go about formulating a position regarding law and public policy, is open to further discussion. I am inclined to urge hesitation with regard to legalization of these practices, but

for reasons that have more to do with prudential judgment about the protection of vulnerable individuals (a point, I admit, that depends upon particular presuppositions that would need to be defended in any further account). I am also inclined to support leniency in prosecuting legal prohibitions, with clemency granted in extenuating circumstances. I am also inclined, however, to believe that the church should regard instances of PAS and euthanasia with some manner of regret and ambivalence. For these "last resorts" to be understood as the best available option, can be seen in many cases (allowing for the relatively rare case in which palliative measures are ineffective against extreme pain) as a failure of the community to meet the basic needs, including social, spiritual and emotional needs, of the dying person. "We all die alone," alleged Pascal. And, to be sure, we must each die our own death. But to surrender one's life in faith, and to allow one's death to witness to that faith, should not be conceived as a heroic, individualistic task. Rather, each of us can only bear the suffering of death insofar as we are upheld by others who are willing to "bear one another's burdens, and so fulfill the law of Christ" (Galatians 6:2), the one who shows us how to bear the burden of death to the very end.

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