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INNOCENCE AND SUICIDE

George I. Mavrodes

In this paper I examine one line of argument against the claim that (some) suicide may be morally legitimate. This argument appeals to a putative moral principle that it is never licit to assault an innocent human life. I consider some related arguments in St. Augustine and St. Thomas, and I explore two possible senses of "innocent." I argue that in one sense the putative moral principle is very implausible, and in neither sense is it true that all suicides assault an innocent life. So this line of argument fails to establish the desired universal prohibition of suicide.

On 7 November, 1996, Joseph Cardinal Bernardin, the Catholic Archbishop of Chicago, wrote an open letter to the U.S. Supreme Court. He concluded that letter by saying, "I urge the Court not to create any right to assisted suicide."¹ Bernardin's letter provides a refreshing contrast to much of the contemporary discussion of this topic. In recent discussions, several different lines of argument have been deployed against the morality, legitimacy, desirability, etc., of physician-assisted suicide (PAS). Most of these arguments appeal to special premisses about the practice of medicine, the role of physicians in society, the doctor-patient relationship, and even to the provisions of the Hippocratic Oath.² Bernardin, in contrast, puts forward an argument which (for better or worse) applies directly to the morality of suicide, regardless of who assists it or whether it is assisted at all. It is this line of argument which I want to explore in this paper.

Bernardin states the core of his argument twice in the letter, in two succinct sentences. First, "Our legal and ethical tradition has held consistently that suicide, assisted-suicide and euthanasia are wrong because they involve a direct attack on innocent life." And again, "There can be no such thing as a 'right to assisted-suicide' because there can be no legal and moral order which tolerates the killing of innocent human life, even if the agent of death is self-administered."

Bernardin's argument is remarkably simple. It can be represented in terms of two premisses and a conclusion. The first premiss is a (putative) moral principle. The second premiss is a special claim about what a suicide amounts to. And the conclusion states the moral impermissibility of any suicide.

1. It is morally wrong to assault any innocent life (to take the life of



any innocent person, etc.)

2. Every suicide is an assault on an innocent life.

3. Therefore, every suicide is morally wrong.³

Much of this paper is a critique of this argument. But I can begin by saying that, in my judgment at least, this argument is logically valid. If there is a weakness or fault in it, that deficiency must lie in one, or both, of the premisses.

The first premiss—what we might call the “principle” of Bernardin’s argument—has an honorable lineage in Christian moral philosophy. It goes back at least to St. Thomas Aquinas, who concluded an argument of his own by saying, “There is, therefore, simply no justification for taking the life of an innocent person.”⁴ And this principle has often been appealed to by later writers, often in the context of defending an absolute prohibition against the deliberate killing of non-combatants in warfare.⁵

It is clear, I think, that in this line of argument the notion of innocence plays a crucial role. And I will argue later that the appeal to innocence is highly problematic. But, simple as Bernardin’s argument is, there is an even simpler argument which yields the same conclusion. And that argument makes no mention of innocence at all. We can learn something by comparing Bernardin’s argument with this simpler one.

4. All killing is morally wrong (it is divinely prohibited, etc.)

5. Every suicide involves killing.

6. Therefore, every suicide is wrong.

This argument also has an honorable history, having been given a classic formulation by St. Augustine in *The City of God*:

. . . how much greater reason have we to understand that a man may not kill himself, since in the commandment, “Thou shalt not kill,” there is no limitation added nor any exception made in favour of anyone, and least of all in favour of him on whom the commandment is laid! . . . so, then it remains that we understand that commandment simply of man. The commandment is, “Thou shalt not kill man;” therefore neither another nor yourself, for he who kills himself still kills nothing else than man.⁶

The simplicity and power of this line of argument, an appeal to a divine commandment expressed in four short words, still commends itself to some Christian moralists. The contemporary Calvinist theologian John Bolt, for example, categorically rejects Dr. Jack Kevorkian and other advocates of PAS by saying, “Is the clarity of the law—‘Thou shalt not kill’—not the absolutely necessary line of defense against all the myriad possibilities of abuse by advocates of ‘good death’?”⁷

And, like Bernardin’s argument, the Augustinian argument is logically valid. So if it has any defect at all, that defect must lie in some premiss.

Both of these simple arguments have curious relations to Thomas’ own discussion of suicide—“Is it legitimate for somebody to kill himself?”—which is one of the eight articles which comprise his discussion of

homicide in general.⁸ The most obvious relation is that Thomas shares the conclusion of Bernardin and Augustine, saying flatly for himself that “suicide is completely wrong for three reasons.”⁹ And, as I have already noted above, Thomas shares the “innocence principle” with Bernardin—in fact, Bernardin may well have gotten it from Thomas. Thomas also, I think, shares a premiss with Augustine. At least, I do not imagine that Thomas would deny that a suicide involves the killing of a “man.” And yet when Thomas comes to give his own three reasons for the claim that suicide is completely wrong neither Augustine’s line of argument, nor Bernardin’s, is among them.¹⁰ That strikes me as a suggestive fact. There is something to be considered there, perhaps something to be learned.

Why does Thomas seem loath to make either of these simple arguments his own? I suspect that it is because he believes that one of Augustine’s premisses is false, and also that one of Bernardin’s premisses is false. Thomas does not share Augustine’s apparent understanding of the divine commandment which prohibits homicide. So he does not share the first premiss, the moral principle, of Augustine’s argument. On the other hand, he shares Bernardin’s principle, but he does not share Bernardin’s second premiss. He does not agree that (every) suicide consists in an assault on an innocent life. And so Thomas could not, with a straight face, endorse either of these arguments and make use of them himself. But let us look at both of these cases in more detail.

Thomas certainly knew the Augustinian argument. He quotes it, in fact, as the *sed contra* of his own article on suicide.¹¹ But he does not seem eager to use it himself. He shares a conclusion with Augustine, and presumably he also shares Augustine’s second premiss. But he does not share Augustine’s reading of the commandment, and so he does not share Augustine’s principle, his first premiss.

Augustine calls attention to the fact that this injunction, one of the Ten Commandments, is unqualified. In fact, he stresses this lack of qualification as the key element in his interpretation of the commandment as a *universal* prohibition. The biblical text does not mention any exceptions—the divine command is not explicitly restricted to the killing of *other* people. So Augustine interprets it as prohibiting both the killing of other people and the killing of oneself. Thus, *all* suicide is divinely prohibited by a plain command of God.

The Augustinian argument is straightforward enough, but it provokes an immediate objection, or at least a problem. True enough, the commandment is not explicitly restricted to what we might call “heterocide,” the killing of others. But neither is it explicitly restricted to homicide, the killing of “man,” the killing of humans. Man is not mentioned in the commandment at all. And so, would not Augustine’s mode of interpretation invite a further extension, making the commandment prohibit the killing of animals as well as of humans? For, after all, it says, Thou shalt not kill, period!

Augustine was aware of this problem—probably it was already being raised by his own contemporaries! And so he devotes about a third of § 20 to it. He argues that there are morally important differences between plants and animals on the one hand and humans on the other. Humans

have sensation and reason, while the lower forms are lacking in one or both of these. That seems to Augustine to be a morally important difference. So he thinks himself justified in restricting the scope of the commandment to homicide.¹²

That reply, however, invites a still further quasi-Augustinian exercise, this time an exercise in restriction. Or so, at least, it seems to me. For there seems also to be a morally important distinction between killing someone else and killing oneself. In the one case we might suppose, ordinarily at least, that the victims do not wish to be killed and do not consent to it, while in the other case the "victims" do wish to be killed and, in fact, they actively undertake the project themselves. And so, using a quasi-Augustinian strategy, we might interpret the commandment as prohibiting heterocide but not suicide.¹³

Thomas would not want to make that particular exception, since he thinks that "suicide is completely wrong." But he certainly does want other exceptions, much more extensive than that one. Just a few pages before he came to the topic of suicide, Thomas had considered the question, "Is it legitimate to kill sinners?" And he gives a plain answer to that question.

Therefore if any man is dangerous to the community and is subverting it by some sin, the treatment to be commended is his execution in order to preserve the common good, for *a little leaven sours the whole lump*.¹⁴

And in an earlier "Question" on warfare he had argued that the civil authorities, to whom the care of the community is committed, "lawfully use the sword of war to protect the commonweal from foreign attacks."¹⁵ So Thomas certainly does not think that *all* homicide is morally wrong, that it is divinely prohibited, or anything of the sort. He does not understand the commandment to be as unqualified as it appears on the surface. And so he could not simply endorse Augustine's reasoning.¹⁶

Thomas, of course, is not alone in this. The Catholic tradition generally, though perhaps not unanimously, has accepted the moral legitimacy of just war and of judicial execution. And so have some other significant Christian traditions. I quoted John Bolt's appeal to the Augustinian line of argument against suicide. But Bolt's own tradition, Calvinism, has traditionally recognized roughly the same range of exceptions to the apparently categorical prohibition in the Decalogue. So, over the centuries there have been millions of incidents of the intentional killing of a human being, killings which have been widely accepted by Christian moralists as morally legitimate necessities, albeit the somber necessities of a sinful and perverted world. By whatever stratagem, Christian thinkers have generally understood the commandment—those four simple monosyllables—as including these enormous loopholes. And so it is not just Thomas. No such moralist could consistently endorse Augustine's argument, however much he or she might approve of Augustine's conclusion.

Well, situations in which various thinkers agree on a conclusion, but do

not on agree on the arguments put forward to support it, are not all that uncommon in philosophy—and they are not unknown among Christian philosophers.¹⁷ Perhaps Augustine is just inclined to a more hard-nosed reading of biblical texts than are Thomas and much of the Christian tradition. Or is he?

Maybe not. In the section from which I have quoted, Augustine hangs his whole case against suicide on the fact that “in the commandment, ‘Thou shalt not kill,’ there is no limitation added nor any exception made in favour of anyone, and least of all in favour of him on whom the commandment is laid!” Here Augustine is an uncompromising universalist in his reading of the *Exodus* text, and so he can give this section of his discussion the title, “That Christians have no authority for committing suicide in any circumstances whatever.”¹⁸ There simply are no exceptions to the divine prohibition against the killing of human beings.

In the very next section, however, a rather different tune is sung. “There are some exceptions made by the divine authority to its own law, that men may not be put to death.”¹⁹ So the *Exodus* command does have some exceptions after all! What exceptions? Well, the first ones which Augustine mentions are just those which we have already seen in Thomas and the majority of the later Christian tradition.

They who have waged war in obedience to the divine command, or in conformity with His laws have represented in their persons the public justice or the wisdom of government, and in this capacity have put to death wicked men; such persons have by no means violated the commandment, “Thou shalt not kill.”²⁰

And so here Augustine holds that there are divine commands—commands with regard to warfare and law enforcement—which are exceptions to the prohibition of homicide.²¹ Thus he turns out to be not nearly so uncompromising as he first appeared to be in his universalistic reading of the commandment in *Exodus*.

There is a hermeneutic problem in Augustine’s procedure here, one which we can mention briefly without exploring it in depth. One may be confronted with two commands which are incompatible, in the sense that it is not possible to satisfy both of them. In such a case, at least one of the commands must, willy-nilly, be violated, ignored, or something of the sort. But which one is to be ignored? To choose one for this role is to say that, in this case at least, the other one takes precedence. And to say that A is an exception to B is to say that A is the one which takes precedence. There are indeed Biblical cases of command incompatibilities. But, for the most part anyway, neither of the conflicting commands is clearly marked in the text as the one which should be accorded precedence. Augustine, in calling some of them exceptions, has made such a judgment. But it is not clear what the basis is for his particular choice.²²

Whatever his basis may be, Augustine clearly (in this section) opts for warfare and law enforcement as exceptions to “Thou shalt not kill.” Are there other exceptions? Yes. Or so, at least, Augustine suspects, and he seems to be troubled by some of them. He mentions Abraham’s readi-

ness to kill his son, and Jephthah's actual killing of his daughter.²³ Abraham's case is comparatively easy for Augustine. According to the biblical text, Abraham was obeying a special divine command. And Augustine thinks that it is an open question whether Jephthah may also have had a divine command for his action, though nothing is said of that in the biblical text.

Closer to the question of suicide is the case of Samson, who killed himself along with his Philistine tormentors.²⁴ And there was also the case of certain Christian women who had drowned themselves when they were facing an imminent threat of rape, and who were already being venerated in the church as holy martyrs.²⁵ Augustine apparently feels himself bound to accept these particular actions as legitimate, or at least not to condemn them out of hand. And so he repeatedly appeals to the possibility that these people also were responding to "a special intimation from God Himself," "secret instructions," and so on.

Now, from the earliest days of Christianity right on down to the present there have been Christians who have believed themselves to be the recipients of divine revelation, divine injunctions, divine instructions, etc. In fact, the idea of what Nicholas Wolterstorff calls "divine discourse," the idea of God's speaking to human beings, is so deeply embedded in the Christian view of the human situation that it cannot plausibly be excised from Christian thought.²⁶ Christians, therefore, cannot consistently deny the possibility that God has given some people "secret instructions" with respect to killing, perhaps including suicide.

However, I would suppose that most Christians who have thought that their participation in warfare, law enforcement, etc., was consistent with their Christian commitment would not have claimed any *special* divine instruction on this matter. They are more likely to appeal to some *general* principles—just war theory, for example—to legitimate their participation in killing despite the *Exodus* commandment. Augustine clearly thinks that there are special divine commands which constitute exceptions to "thou shalt not kill," and he appears to think also that there are some special divine commands which legitimate (some cases of) suicide. Later on in this paper I shall consider the possibility that there are also some *general* considerations which have a similar effect.

Well then, maybe there is no one, not even Augustine, who accepts the Augustinian argument. But could Thomas, at least, accept Bernardin's argument, with its appeal to innocence? In the discussion of homicide, Thomas asks, "Is it ever permissible to kill an innocent person?" We have already seen his own reply: "There is, therefore, simply no justification for taking the life of an innocent person."²⁷ This is the "innocence principle," the principle which Thomas shares with Bernardin. But Thomas does not share Bernardin's claim that every suicide involves a "direct attack on innocent life." And so he could not, in good conscience, adopt Bernardin's line of argument for himself. In fact, he first introduces the innocence principle into the discussion of homicide only in the article which *follows* the article on suicide, and his discussion of suicide does not mention innocence at all.

I said that Thomas does not believe that every suicide assaults an

innocent life. There is clear evidence of that in the article on suicide. As usual in the *Summa Theologiae*, Thomas begins by citing several arguments against the position which he wants to defend in the end. One of these counter-arguments goes as follows:

He who holds public authority may legitimately kill malefactors. But sometimes he who holds such authority is himself a malefactor. Such a person may, therefore, legitimately kill himself.²⁸

The conclusion of this argument is contradictory to Thomas' desired conclusion that "suicide is completely wrong." But the first premiss here is a claim for which Thomas himself had argued a few pages earlier, when he dealt with the question, "Is it legitimate to kill sinners?"²⁹ He does not now repudiate that claim. Neither does he say that the second premiss is impossible, nor even that in fact there are no such cases. He makes no objection to either premiss. Instead, he has recourse to a rather special, and somewhat legalistic, principle—"nobody is a judge in his own case."³⁰ And he goes on to add that a public official who finds himself in this circumstance "may, of course, hand himself over to the judgement of others."

It appears, then, that Thomas had reasons—and in my judgment strong reasons—to steer clear of both Augustine's argument and Bernardin's argument. But is there any plausible way of salvaging something from these lines of argument?

I think that we could not salvage the Augustinian line in its entirety, *while maintaining a decent consistency*, unless we abandon what has been a centuries-long majority tradition in Christian moralizing—the tradition which has legitimated (morally) a massive amount of violence, including lethal violence, in warfare and law enforcement. I say that this has, for some time now, been the majority view. But, of course, it has not been the only view among Christians. There are also the radical pacifist traditions, and perhaps it would not be inconsistent for someone of that sort to espouse Augustine's argument against suicide.

Curiously, Thomas himself comes close to an "Augustinian" reading of several biblical injunctions about violence and killing, but only if they are severely restricted in another way. For he understands them to be addressed to only a very small group of people, the Christian clergy.³¹ There is still another possibility which, so far as I know, Thomas did not consider, but which belongs to some versions of Christian pacifism. And that is to construe the "pacifist" injunctions, not as general moral principles binding on everyone, but rather as special duties or obligations for Christians generally (and not merely for the clergy).³² At any rate, I will say no more here about these possible strategies. That is, I will construe the morality of suicide in terms of a *general* morality, and not as a special moral requirement for Christians or for the clergy.

Could something be salvaged from Bernardin's line of argument. Well, I suppose that someone might say that the Thomas' sort of counter-example—the non-innocent malefactor who wants to commit suicide—will be a rare case. So perhaps the second premiss could be amended to

say that “almost all suicides assault an innocent life,” and correspondingly the conclusion would be that “almost all suicides are morally wrong.”

Such an emendation, however, might turn out to be rather significant in the debate over the morality of suicide. The range of legitimate cases may not be so small as one initially imagined, and it might include all the cases which some moralists would count as proper. But that will depend on how we construe the notion of *innocence*, and on what rationale we are willing to give for introducing innocence into the discussion of homicide in general and suicide in particular. Here, too, there is something to be learned from Thomas.

There are few moralists—apparently not even Augustine himself—who are willing to accept the major premiss which appears in Augustine’s argument against suicide. But many moralists—including, I think, most Christians—feel some tug there. There is the feeling that the absolute and universal prohibition against killing is *almost* right, that it is a *prima facie* moral principle, or something of the sort. But there is also the conviction that it can’t be the whole story, at least not in the present corrupted state of the world. And so almost all moralizing about homicide, including Christian moralizing, labors uneasily over the project of identifying and justifying the exceptions to the *prima facie* impermissibility of killing human beings.

It is in trying to find a principle for those exceptions that the notion of innocence, and its contrast, is introduced by many Christian moralists, including Thomas. For example, there are (according to them) morally legitimate reasons for engaging in warfare (“just cause”), and morally legitimate ways of fighting a war (“just means”). In prosecuting a war for a just cause it is morally permissible to kill some human beings—to kill them deliberately, either as an end or as a means of achieving some important end. But there are some other human beings whom it is never permissible to kill in warfare—never morally permissible, that is, to kill them deliberately either as ends or as means.³³ What principle distinguishes these two classes of human beings? We hear repeatedly that it is innocence.³⁴ Some people are not innocent, and it is morally legitimate to kill them.³⁵ The others are innocent, and these people enjoy the moral immunity—they cannot deliberately be killed within the bounds of morality.

And now we hear another echo of that principle in Bernardin’s letter, applied there to suicide rather than to warfare. The suicide deliberately assaults an *innocent* life, says Bernardin, and so suicide is wrong, not to be tolerated by any legal and moral order.

But what, in this connection, is innocence? I think our initial inclination is probably to construe innocence in some “juridical” sense. We take its natural contrast to be the notion of *guilt*. The innocent person is one who is not guilty of any relevant crime or wrong-doing, one who is therefore not deserving of punishment, and so on. Some years ago, I discussed the claim of some just-war theorists that the innocence of non-combatants conferred on them a special and absolute (moral) immunity. The deliberate killing of non-combatants was, on this view, always morally illegitimate. I assumed that innocence was the opposite of guilt,

and I argued that the guilty/innocent distinction did not match the combatant/non-combatant distinction which it was invoked to support.³⁶ These distinctions did not match, I said, in the sense that they did not identify the same groups of people, or anywhere near the same groups, within the circumstances of modern warfare. So even if we accepted the moral significance of the guilty/innocent distinction it would not provide the desired rationale for the immunity of non-combatants.

I was initially inclined to level the same sort of criticism against Bernardin's argument. Of course, some suicides are those of innocent people—or at any rate, people who are not notorious sinners or criminals. Bernardin's argument might apply to those cases. But not every suicide is of that sort. What would Bernardin say, for example, of the suicide of Judas Iscariot, as it is described in the *Gospel of Matthew*?³⁷ Would Bernardin really say that when Judas took his own life he was taking an *innocent* life? If Judas counts as an innocent, then who would not be innocent?

That criticism would not, of course, suffice to show that the suicide of Judas was morally OK. But it might show that Bernardin's reason against the legitimacy of suicide *per se* was weak, not sufficiently general.

Now, in mounting these critiques I was, as I say, assuming that "innocent" is itself a term of moral appraisal, the opposite of "guilty." Perhaps, however, that assumption was rash and unjustified. In a recent paper, Albert R. Jonsen has argued that such an assumption would indeed be incorrect, at least in thinking about Thomas. For, Jonsen says, "'innocent,' to a Latin speaker, meant not 'guiltless' but rather 'harmless.'"³⁸ And it was that comment which incited me to look again at Thomas' treatment of suicide and other forms of homicide.

I've already noted that innocence is not mentioned in the article on suicide. But the principle to which people like Anscombe, Ford, and Bernardin seem to be alluding is stated explicitly in the immediately following article, where the question to be answered is "Is it ever permissible to kill an innocent person?" Thomas' argument in response to that question goes as follows:

A man can be looked at in two ways—in isolation and in some context. Now, considering man in isolation, it is not legitimate to kill any man. Every man, even the sinner, has a nature which God made, and which as such we are bound to love, whereas we violate it by killing him. It nevertheless remains true, as we have already seen, that sin corrodes the common good and so justifies the killing of the sinner, whereas the life of just men preserves and promotes the common good, since they constitute the bulk of the people. There is, therefore, simply no justification for taking the life of an innocent person.³⁹

When Thomas says "as we have already seen" he is apparently referring to the argument of article 2, "Is it legitimate to kill sinners?" He there defends an affirmative answer to that question as follows:

Every part is related to the whole precisely as imperfect to perfect, which is the reason why every part is naturally for the sake of the

whole. If, therefore, the well-being of the whole body demands the amputation of a limb, say in the case where one limb is gangrenous and threatens to infect the others, the treatment to be commended is amputation. Now every individual person is as it were a part of the whole. Therefore if any man is dangerous to the community and is subverting it by some sin, the treatment to be commended is his execution in order to preserve the common good, for *a little leaven sours the whole lump*.⁴⁰

The way in which Thomas argues here certainly seems to me to lend strong support to Jonsen's claim about the Thomistic sense of "innocence." Thomas does indeed think that human beings have something which makes any intentional killing of a human *prima facie* illicit. They have a special sort of nature, divinely created, which we are "bound to love," a nature which would be "violated" by anyone who killed a human being.⁴¹ And sinners—"malefactors" as he sometimes calls them—have this nature just as much as anyone else. If there is to be any legitimate homicide, then, there must be a special justification for it, a justification for the particular case. And that justification must over-ride the *prima facie* moral barrier generated by the special divinely created nature of human beings.

When Thomas looks for that justification, however, he does not seem to suggest that the sinner deserves to die, that execution is the appropriate punishment for the evil things the sinner has done, that the sinner has forfeited the right to life, etc. Notions such as *guilt*, *blame*, *desert*, and *punishment* do not seem to come into Thomas' arguments here at all. All of the work is done by the idea of the common good, of protecting the community against the damage and loss which the malefactor may cause. And it is because just men preserve and promote the common good that there is no justification for taking their "innocent" lives.

We can get some further feel for Jonsen's contrast between "blameless" and "harmless" by noticing two divergent analogies which have been used. Elizabeth Anscombe, defending the immunity of non-combatants, condemned the shedding of innocent blood by observing that "no man may be punished except for his own crime." When Thomas, however, wants to illustrate his own position he turns to a quite different analogy. "If, therefore, the well-being of the whole body demands the amputation of a limb, say in the case where one limb is gangrenous and threatens to infect the others, the treatment to be commended is amputation." One analogy invites us to think of crime; the other asks us to think of sickness. The first analogy proposes punishment as an appropriate response; the second commends the sacrifice of a part in the interest of the whole. Those two invitations appeal, it seems to me, to quite different sorts of judgment.

In June 1997, the U.S. Supreme Court refused to invalidate a Kansas law which provides that sex offenders who have completed their sentences may be involuntarily confined for a further indefinite period on a finding that they are dangerous to themselves or others, being "likely" to commit future "predatory acts of violence." The procedure envi-

sioned in this law strikes some people as morally problematic, to say the least. The original sentence, they feel, might be morally justified because it is imposed as a punishment for some criminal act which was actually done. But the further confinement, after the full sentence has been served, is imposed not for what has been done but to forestall what might be done in the future. And it is that latter operation which strikes them as morally illicit. "The American justice system is based on punishment for what people actually do, rather than on detaining them for what they might do."⁴²

Anscombe might well agree with this latter judgment against the Court, and against the Kansas law, at least if she means "his own crime" to be the crime which a man has actually committed. But Thomas, I think, would have no problem with the Kansas law, or at least with its provision for further confinement. For that provision seems to have just the rationale which Thomas gives for the execution of malefactors—that of preventing them from damaging the common good. In fact, Thomas might well think that it is the other element in most American criminal jurisprudence, that of punishment for crimes already committed, which is unjustified. Of course, a violent pedophile may have already done serious damage to the common good by his acts. But that damage cannot be repaired by now confining that man in prison, nor even by executing him. And so what would justify the public authority in thus violating the divinely created nature which the pedophile, despite his sins, shares with all other humans? Thomas would surely say that we can legitimately prevent what such a man might do in the future, and that is a rationale for acting. But he might add that we cannot undo what that man did in the past, and so what he did in the past does not itself provide us with a rationale for acting against him.

I'm now inclined, therefore, to think that there may be two substantially different ideas in use by various authors who refer to innocence in discussions of this sort. *Innocence*, in one of these senses finds its close affinities and contrasts in notions such as *guilt*, *desert*, *punishment*, *reward*, etc. (I will refer to this as the "juridical" sense.) In the other sense, however, the close affinities and contrasts are with *harm*, *danger*, *prevention*, *preservation*, etc. (I will refer to this as the "foreboding" sense.) Thomas really does seem to be working (at least most of the time) with this second sense. And what of other writers? Well, Anscombe's use of the crime and punishment analogy suggests the juridical sense for her. And what about Bernardin? I don't know.

However that may be, perhaps we ourselves can profitably reflect a little more on the ramifications of the Thomistic sense (or what I now take to be that sense), both in Thomas' own arguments and also more generally. Thomas' treatment of the morality of homicide in general depends largely on the inter-action of two elements. One is a deontological claim about the general moral inviolability of human life, an inviolability which derives from the fact that human beings have a special nature, divinely created, a nature which we are morally bound to honor and love. And whoever kills a human being "violates" that special nature.

Thomas does not here say just what features of human nature are

especially relevant to this moral demand. And so, of course, he does not explain just why these relevant features do demand our honor and love. But it seems pretty clear that he does not attempt to ground this demand on some consideration of the consequences of satisfying (or violating) this moral ideal. So here is a moral demand which seems to be independent of the consequences of the act in question. The best I can make of it is that here a certain course of action and forbearance is judged to be somehow “fitting.” That pattern of life and action coheres with some deep feature of reality—it matches something which is profound in the structure of the world—so that people who live in that way would bring themselves into harmony with reality. Maybe here some notion akin to *Beauty* is as important as *Goodness*.

The other principal element in the Thomist morality of homicide is a teleological—indeed, a utilitarian—principle. The function of this principle is to provide a rationale for over-riding the deontological barrier in special cases. It accounts for the exceptions. Perhaps Thomas would say that if the world were perfect there would be no cases of that sort—beauty and goodness would match everywhere. But at some level the actual world is spoiled, distorted, corrupted by sin. And so somewhere the beauty of loving and honoring human nature must give way to the necessity of protecting some other important goods. In a second-best world we must sometimes act in a second-best way. Thomas’ teleological principle is a principle for the second-best, a rationale for the exceptions. So the deontological element is what we might call Thomas’ “base line” morality on this topic, and the teleological element is the principle for (perhaps sorrowfully) departing from that base-line.⁴³

Construing innocence in this way, as being something like harmless rather than guiltless, provides an attractive rationale for the Thomistic over-rider. I suppose that Thomas, looking at the world as it actually is (rather than as an ideal), thought that the social order could not survive without the violence of law enforcement and warfare. Without those defenses the settled order of society, within which there is a certain flourishing of human life, would be destroyed by external aggression and internal criminality. Something like the Hobbesian nightmare in which life which is “nasty, brutish, and short” would be indeed the waking reality. The civil order is a great good, worthy of defense. And so it might be thought that there is a rationale for over-riding the *prima facie* illegitimacy of killing.

But given that there can be such an over-rider, what would be the rationale for thinking that nothing other than warfare and law enforcement qualify? Thomas’ version of the teleological principle here is remarkable because of the extremely narrow base on which it rests. It validates exceptions to the deontological demand, exceptions in the service of some value. But Thomas here seems to recognize no *locus* of value other than in the political community. One would not need to deny that there is such a thing as the good of the community in order to recognize that there may also be some other goods—perhaps, e.g., the good of individuals. But, in this discussion at least, Thomas seems to have no inclination at all in that direction. “Every part,” he says, “is nat-

urally for the sake of the whole." And, "every individual person is as it were a part of the whole."⁴⁴ Within that view of the hierarchy of the world, its teleological ordering, there would indeed seem to be no *locus* for a value, a significant good, other than in the good of the community.

That Thomas really is operating here with this extremely narrow base for the relevant teleological value is confirmed by the way in which he treats the legitimacy of killing in self-defense. There he says that

It remains nevertheless that it is not legitimate for a man actually to intend to kill another in self-defense, since the taking of life is reserved to the public authorities acting for the common good, as we have seen. Killing in self-defense in this sort of way is restricted to somebody who has the public authority to do so; such a man may indeed intend to kill a man in self-defense but he does so for the general good.⁴⁵

So Thomas argues here that one can legitimately kill in self-defense, but only if that is done *to protect the general good*. Protecting one's own individual good is not a sufficient justification for lethal self-defense. And only the "public authorities" have the responsibility of providing for the defense of the general good. So a private citizen, acting on his own, could not legitimately kill in self-defense, even to protect the common good.

Nevertheless, Thomas does want to maintain the legitimacy of some private self-defense. "Even the person who kills another in defense of his own life will, therefore, not be guilty of homicide."⁴⁶ But he cannot defend this conclusion on the basis of a value to be preserved, because he recognizes no value except in the common good. So he makes a rather awkward and unpersuasive appeal to the principle of double effect, arguing that the legitimate private self-defender does not really intend the death of the assailant. He intends only to defend himself.⁴⁷

The view about the *locus* of value which is expressed throughout the whole discussion of homicide is so radically narrow that the Blackfriar translators of the *Summa* have included a footnote here referring to "the apparent totalitarianism of this principle," and they suggest that Thomas qualifies it in other places. In particular, they say that Thomas also recognizes (elsewhere) that individuals are not hierarchically "ordered" to the political society *in every respect*, and that he also recognizes that human society on earth is itself "subordinated to the goal of eternal life in heaven."⁴⁸ Those qualifications seem to me to be eminently desirable, especially on the basis of a Christian understanding of human life and destiny. But what happens to the argument from innocence, especially with respect to suicide, if we take seriously that sort of qualification, and thus perhaps acknowledge a good which is other than the good of the political community?

There is an interesting and suggestive paper by Lisa Sowle Cahill which explores that question.⁴⁹ Cahill argues that (some) suicide can be justified by an appeal to the "principle of totality." She quotes from a speech of Pope Pius XII in which he says that "the whole is a determining factor for the part and can dispose of it in its own interest," and that

therefore “the patient can allow the individual parts to be destroyed or mutilated when and to the extent necessary for the good of his being as a whole.”⁵⁰ In this, of course, we can hear an echo of Thomas’ own analogy of the gangrenous limb.

Cahill goes on to suggest that a Christian, at least, might be rather suspicious of thinking that the totality of a human person could be limited to the physical organism of that person. “On the contrary,” she says, “Catholic teaching does in fact provide a strong basis for describing human personhood as a totality which is essentially constituted by the integration of both physical and *spiritual* aspects.”⁵¹ And she adds a further quotation from Pius XII referring to “the subordination of the organism itself to the spiritual end of the person.”

Given this understanding of what a human person is, it seems clear that physical death, the death of the biological organism, need not be construed as the *summum malum*, the worst thing that can happen to a person.⁵² Nor, given the Christian understanding of the destiny (or possible destiny) of human beings—the resurrection of the body and the life everlasting—should biological death be thought of as an event which precludes the possibility of any further good. So Cahill observes that

life is for [a Christian] never an *absolute* value, to be salvaged at all costs. Sometimes continued life does not constitute a good for a certain individual because it cannot offer him the conditions of meaningful personal existence. Sometimes the continued life of an individual is incompatible with the preservation of other values which also claim protection.⁵³

And so she concludes that

Since the distinctive and controlling element of human nature is the personal self or spirit, then according to the principle of totality, the body which is a “part” may in some cases be sacrificed for the good of the “whole” body-soul entity. Even direct intervention as a final option will not necessarily entail diminishing communal protectiveness toward human life’s sanctity, if death is encompassed reluctantly and with a profound (and Christian) reverence for the personal existence within which it is an event.⁵⁴

Cahill’s argument seems to me to be fundamentally Thomistic in character. It appeals to basic Thomistic principles—a base-line presumption which is “pro-life” (Cahill’s “human life’s sanctity”), a teleological over-rider, and the part/whole hierarchy in which the whole takes precedence over the part. But she comes to a conclusion opposite to that of Thomas and of Bernardin. She defends the possibility of morally licit suicide (and apparently of positive euthanasia also). Where does she differ from Thomas and Bernardin?

Putting her argument in the context of Bernardin’s argument, I take her to be denying Bernardin’s assumption that every suicide assaults an

innocent life. (In this she agrees with Thomas.) To be more exact, she would deny this assumption if “innocent” is to be taken in what I now understand as the Thomistic sense, that of “harmless.” For she holds that in some cases the biological life is so corrupted by disease, pain, debility, dementia, etc., that it is no longer an arena for spiritual growth. The biological life is no longer harmless to the person who is living it. In such a case the principle of totality allows—indeed, it may demand—the sacrifice of this part of one’s whole life for the good of that larger whole of which it is a part.⁵⁵

In the context of Thomas’ general treatment of the morality of homicide, Cahill can be understood as proposing a broader-based teleology than he appears there to allow. She insists on considering not only the good of the political community of which the person is a member, but also the good of the person himself or herself. And she insists on taking account of the whole Christian conception of that good, including the spiritual dimension, the relationship with God, and the life of the world to come.

Well, where does that leave us? It seems to me that Bernardin’s line of argument does not fare well when we look at it closely. Thomas was well advised to steer clear of it, and to cast about for other reasons to reject suicide. And Bernardin’s argument is unsatisfactory on *both* interpretations of innocence.

If we understand innocence in the foreboding sense, then Bernardin’s argument fails because there are cases of suicide in which the life which is taken is not innocent. It has become so corrupted and debased—by pain, disease, debility, or etc.—that it has become harmful to the person who is living it. It is no longer an arena for the growth of a spiritual life, and is perhaps even a positive threat to that spiritual life.⁵⁶ That is the thrust of Cahill’s argument. It seems highly persuasive.

On the juridical interpretation, on the other hand, Bernardin’s second premiss falls prey to the counter-example which Thomas himself cites. Some suicides really are guilty of (other) capital crimes. I suppose that someone might reply that this is a minor exception—there are going to be only a few such cases—and so we might salvage a slightly more modest prohibition covering *almost* all suicides. That may be so, so far as it goes. But the juridical interpretation generates a deeper problem, that of providing a moral justification for Bernardin’s first premiss, his principle, when it is understood in this way. Why should we suppose that it must always be illegitimate to assault a life which is juridically innocent?

This question can be usefully discussed in connection with a further interpretive suggestion which we have not canvassed so far. This is the suggestion that we should construe innocence as a sort of combination of juridical and foreboding elements.⁵⁷ Perhaps, that is, we should think of the innocence principle as requiring that no human being be intentionally killed unless he or she is non-innocent in *both* the juridical and the foreboding sense.

I don’t know whether this can be sustained as a viable interpretation of Thomas, especially in view of Jonsen’s observations about the meaning of the corresponding Latin term.⁵⁸ But it is an interesting suggestion which can be considered in its own right. It is attractive because the

inclusion of juridical non-innocence alleviates some of the moral qualms which we may feel over the proposal that someone might be executed *solely* because he or she posed a threat to the community, even if that threat were not the result of any moral fault of their own.⁵⁹

The killing of someone who was juridically non-innocent might be justified on a retributive theory of punishment. The killing of someone who was forebodingly non-innocent might be justified on a consequentialist theory of morality. How might one rationalize the view that neither of these justifications is sufficient by itself, but that some combination of them is? Well, here is at least one possible way.

Suppose we hold that each person, originally at least, is endowed with a right to life, a right which is so strong that no possible teleological considerations can over-ride it. And so, for example, no good which might be conferred on the community, and no harm which might be averted, no matter how great, would justify the deliberate killing of a juridically innocent child. Suppose also that we hold that this right can be forfeited by the commission of certain serious crimes and/or sins. A person who commits such an act becomes juridically non-innocent, and no longer has the right to life. The killing of such a person would then *not* be a violation of the original right to life. That right has now been lost. And so the previous absolute barrier against the killing of that person would now have disappeared.

But suppose that we also hold that the mere fact that a certain act would not be a violation of a right is not a sufficient reason for doing that act. A full and satisfactory rationale for the performance of an act must also, or at least normally, include a teleological element—that the act will generate some good or forestall some evil. But if there is a positive rationale of that sort, and if the act does not violate a right, then the act can properly be done. Perhaps indeed there is a duty to do it.

The combination of these three assumptions, then—a dominating “original” right to life, a forfeiture of that right because of juridical non-innocence, and a positive rationale for killing based on foreboding non-innocence—that combination seems to provide a framework in which both sorts of non-innocence would be necessary for justified killing, neither would by itself be sufficient, and their combination would be (or might be) sufficient.

Understood in this way, this proposal seems to rehabilitate juridical innocence as a barrier to the legitimacy of homicide, and so as a barrier to the legitimacy of suicide. But it also suggests a way of circumventing the latter barrier. For this proposal appeals to the idea of a *right*, a right which cannot legitimately be violated. But this right can be lost, forfeited, by certain actions. Yes, no doubt rights can be forfeited. But rights can also be *waived*. I own the house where I live. No doubt I have some right of privacy there, some right (moral, or legal, or both) to exclude certain persons from entering my house. Burglars, breaking and entering, would violate that right. But I can myself waive that right, choosing not to exercise it, not to assert it in some particular case. So if strangers come to my door I may invite them to come in, even if they otherwise would have no right to enter. And if they act on my invitation, then

they do not violate my right to privacy.

A juridically innocent person may indeed have a right to life, perhaps a right so strong that no consequentialist consideration could override it. But that person may waive his or her right to life. And presumably suicidal persons do waive that right (if they have it), since they actively undertake to kill themselves.⁶⁰ Suicidal people may indeed be doing something wrong. But it seems implausible to suppose that the wrong they are doing is that of violating their own right to life. That would be rather like thinking that I could violate my own right to privacy by inviting strangers to come to my house.

Voluntarily waiving one's right to life is not the same as forfeiting that right by crime or sin. In the latter case one would become juridically non-innocent, and therefore a plausible candidate for punishment. But waiving one's right would not make one juridically non-innocent. The killing of such a person would remain inappropriate *as a punishment*. It could not be rationalized in terms of retribution. But it might be open to a teleological rationale.

Some people who commit suicide may intend to punish themselves for some evil, whether real or imagined. If in fact they have not committed any relevant evil, or if their evil is not so serious as to merit this punishment, then their reason for committing suicide is mistaken. And maybe the suicide itself, based on a false reason, is morally illicit.⁶¹ But most people who commit suicide do not intend to punish themselves. Many of them, in fact, intend to do something good—either something good for themselves, or something good for someone else, or both. And some of them may indeed be doing one or both of these kinds of good. Whatever we may think of the propriety of suicide in the end, there is no reason to think of it generally in terms of retribution. It is not usually an exercise in punishment, either rightly or wrongly.

I conclude, therefore, that the Bernardin line of argument, with its appeal to the innocence of suicide candidates, fails if innocence is construed in the juridical sense, or in the foreboding sense, or in a combination of these senses. There are, of course, other arguments which have been given against the morality of suicide, including those of Thomas. I do not speak of those here. But, it seems to me, we can at least set aside the line of argument to which Cardinal Bernardin, and perhaps many others, have been attracted.

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NOTES

1. A copy of the letter was kindly supplied by the office of the Archdiocese of Chicago. In June 1997 the court overturned two lower court decisions which had held that state prohibitions of physician-assisted suicide (PAS) were unconstitutional. The Supreme Court held that there is no constitutional right to PAS.

2. There may often be a tacit assumption to the effect that suicide is a medical procedure, and that therefore the ethics of suicide is properly treat-

ed as topic within medical ethics. This assumption does not strike me as plausible. Neither suicide nor the assistance of it require any professional level of medical knowledge or skill. There can be, and often there is, nurse-assisted suicide, wife-assisted suicide, unassisted suicide, and so on. But that is the topic of another paper.

3. The universal quantifiers are important to the argument, although Bernardin does not state them explicitly. Without them the argument would not validly yield the universal prohibition which Bernardin wants. He would not be satisfied with the conclusion that *some* suicides are morally wrong.

4. St. Thomas Aquinas, *Summa Theologiae*, II, II, Q. 64, art. 6, *responsio*. The Latin text and English translation used in this paper are those of the Blackfriars edition (London and New York: McGraw-Hill Book Company, 1975), v. 38.

5. E.g., Elizabeth Anscombe, "War and Murder," in Richard A. Wasserstrom (ed.) *War and Morality* (Belmont CA: Wadsworth Publishing Co., 1970), p. 52. "Now, it is one of the most vehement and repeated teachings of the Judaeo-Christian tradition that the shedding of innocent blood is forbidden by the divine law. No man may be punished except for his own crime, and those 'whose feet are swift to shed innocent blood' are always represented as God's enemies." And also John C. Ford, "The Hydrogen Bombing of Cities," in William J. Nagle (ed.), *Morality and Modern Warfare* (Baltimore: Helicon Press, 1960), p. 98. "Catholic teaching has been unanimous for long centuries in declaring that it is never permitted to kill directly noncombatants in wartime. Why? Because they are innocent."

6. St. Augustine, *The City of God*, Bk. I, § 20. I cite this text here from the translation by Marcus Dods (New York: The Modern Library, 1950), p. 26. The commandment to which Augustine refers is found in *Exodus* 20:13.

7. John Bolt, "The Right to Die—Is Compassion Enough?", in *Calvin Seminary Forum*, v. 1, n. 1 (Winter 1994), p. 2.

8. Thomas, *ibid.*, Q. 64.

9. *Ibid.*, art. 5, *responsio*.

10. Briefly stated, Thomas' three reasons go as follows: (1) suicide goes counter both to the natural inclination of self-preservation and to the duty of self-love; (2) suicide damages the community of which the suicide "victim" is a member; and (3) suicide usurps the authority of God who is the master of life and death. All of these arguments are worthy of discussion. But this paper is about a different line of argument.

11. Thomas, *ibid.*, Art 5, *sed contra*. His version of the text is, "It remains that the precept, Thou shalt not kill, refers to man. And this means both other men and oneself. For nobody but a man is killed when a person commits suicide."

12. For a modern Christian moralist who reads this commandment as having more relevance to the treatment of animals than Augustine seems to recognize see Lewis B. Smedes, "Respect for Human Life: 'Thou Shalt not Kill,'" in Stephen E. Lammers and Allen Verhey, *On Moral Medicine* (Grand Rapids MI: Wm. B. Eerdmans Publishing Co., 1987) pp. 143-149. That item is excerpted from Smedes' *Mere Morality* (Grand Rapids MI: Wm. B. Eerdmans Publishing co., 1982), pp. 99-110.

13. In fact, that seems to me the most plausible interpretation of it.

14. Thomas, *ibid.*, art. 2, *responsio*.

15. *Ibid.*, Q. 40, art. 1, *responsio*.

16. And so I think that, when Thomas quoted Augustine in the *sed contra*, he was citing him as an authority for the conclusion which they

shared, but not for the argument which Augustine gave for that conclusion.

17. E.g., cf. Thomas' critique of Anselm in *Summa Theologiae*, I, I, Q. 2, art. 1.

18. Augustine, op. cit., sec. 20. Emphasis added.

19. Ibid., § 21.

20. Ibid.

21. If he had wanted, Augustine could readily have cited biblical examples of such commands—e.g. *Numbers* 15:32-36 and *I Samuel* 15:1-3

22. Perhaps, e.g., he holds that a *singular* command takes precedence over a *universal generalization*. Or that a *later* command takes precedence over an *earlier* one. Or . . . ?

23. Augustine, *ibid.* The biblical accounts of these incidents can be found in *Genesis* 22 and *Judges* 11:29-40. Augustine takes it for granted that Jephthah really did kill his daughter.

24. Ibid. Cf. *Judges* 16: 18-31.

25. Ibid., § 26.

26. Cf. Nicholas Wolterstorff, *Divine Discourse* (Cambridge: Cambridge University Press, 1995). Wolterstorff includes a rather extensive description of a contemporary incident about which he says, "So, yes; it is possible for an intelligent adult of the modern Western world to be entitled to believe that God has spoken to him or her. I draw that conclusion because the possibility seems to me to have been actualized in the case of Virginia." Pp. 273-280.

27. Q. 64, art. 6, *responsio*.

28. Ibid., art. 5, *praetera* 2.

29. Ibid., art. 2., *responsio*.

30. Ibid., *ad* 2.

31. See, e.g., *ibid.*, art. 4, "Is it legitimate for clerics to kill malefactors?" and Q. 40, art. 2, "May clerics and bishops engage in war?"

32. Augustine himself seems to be ambivalent about this. His discussion of suicide is introduced with the heading, "That Christians have no authority for committing suicide in any circumstances whatever." But in the body of the discussion he seems to speak more generally—e.g., "a man may not kill himself." Loc. cit.

33. Moralists such as Anscombe and Ford allow that the "immunity" of such persons is, in a sense, not absolute. They may be killed *incidentally*, where the killing is not intended either as a means or an end, but is instead a side-effect of an action undertaken for some legitimate military purpose. This is, of course, the much-discussed "doctrine of double effect." Curiously, Thomas introduces this doctrine into his discussion of self-defense in the question on homicide (Q. 64, art. 7).

34. Cf. fn. 5, above.

35. But this moral legitimacy is, of course, limited by the principle of proportionality. Even in a just war, one may not (morally) kill large numbers of the non-innocent to achieve a minor objective.

36. George I. Mavrodes, "Conventions and the Morality of War," in *Philosophy and Public Affairs*, v. 4, n. 2 (Winter 1975), pp. 117-131. It is reprinted in Charles R. Beitz *et al.* (eds.), *International Ethics* (Princeton NJ: Princeton University Press, 1985), pp. 75-89.

37. *Matthew*, chs. 26, 27.

38. Albert R. Jonsen, "Criteria that Make Intentional Killing Unjustified," in Tom L. Beauchamp (ed.), *Intending Death* (Upper Saddle River NJ: Prentice Hall, 1995), p. 45.

39. Ibid., art. 6, *responsio*.

40. Thomas had argued in article 1 that there is a hierarchy of perfection in the forms of life, so that "such things as plants that have merely life exist for animals, and animals exist for man." It is this hierarchical arrangement, divinely ordained, which justifies the human use of animals as food. Now, in article 2, Thomas appeals to an analogous hierarchical ordering of individuals on the one hand and the community on the other. It is this ordering which justifies the execution of a dangerous individual to protect the good of the community. And in article 7 the argument is completed. Were it not for the fact that the individual is a part of the whole, and therefore "for the sake of the whole," the execution of even a dangerous sinner would be an impermissible violation of a divinely created nature, a nature which we are bound to honor and love.

41. Maybe this is a way in which we can understand the idea of the "sanctity" of human life.

42. See, e.g., an editorial, "The High Court's Mixed Record: Wrong on Sex Offenders," in *The New York Times*, 25 June 1997, p. A20.

43. This pattern—a deontological demand and a teleological overrider—is not unique to the morality of homicide. For a sensitive discussion of a similar pattern with reference to truth-telling and lying see Allen Verhey, "The Truth and the Life," in *The Reformed Journal*, v. 37, issue 4 (April 1987), pp. 11-15.

44. *Ibid.*, art. 2, *responsio*.

45. *Ibid.*, art. 7, *responsio*.

46. *Ibid.*, *sed contra*.

47. *Ibid.*, *responsio*.

48. *Ibid.*, fn. b.

49. Lisa Sowle Cahill, "A 'Natural Law' Reconsideration of Euthanasia," in Lammers and Verhey, *op. cit.*, pp. 445-453. The article is reprinted from *Linacre Quarterly*, V. 44 (February 1977), pp. 47-63.

50. *Ibid.*, p. 446. The quotation is taken from Pope Pius XII, "Moral Limits of Medical Research," in Vincent A. Yzermans (ed.), *The Major Addresses of Pope Pius XII* (St. Paul MN: North Central Publishing Co., 1961), v. I, p. 233.

51. *Loc. cit.*

52. One may think of the saying attributed to Jesus, "Do not fear those who kill the body but cannot kill the soul." *Matthew* 10:28. This wording is taken from *The New Revised Standard Version*.

53. Cahill, *ibid.*, p. 447, her italics. I assume that in this passage "life" means physical life, biological life in this world.

54. *Ibid.*, p. 452.

55. Cahill herself is perhaps inclined to read "innocent" in Thomas more juridically than I am now. "The adjective 'innocent' refers primarily to the man who is 'righteous' in the sense that he has *not forfeited* his right to life. . . . Thus the command not to kill the innocent seems fundamentally to be a prohibition against the deprivation of another's life against his will, unless that other has somehow forfeited his right to protection." Reading Bernardin's argument with this sense of "innocence," Cahill's response would presumably be that the "innocence" here is irrelevant to a prohibition of suicide (and euthanasia), since the "victim" is willing rather than unwilling. *Ibid.*, p. 449.

56. There will also be cases in which the life which is "assaulted" by the suicide is threatening to the well-being of the community. But I will not explore this aspect here.

57. I owe this suggestion to an early anonymous reader of this paper.

58. In addition, this interpretation of innocence would make highly

problematic any suggestion that combatants, in the context of modern warfare, are generally non-innocent. But that is somewhat of a side issue relative to the topic of this paper.

59. But the biblical tradition, within which Thomas and Augustine were operating, certainly seems to sanction the imposition of *some* severe disabilities on certain individuals who are personally blameless, presumably on the ground that they threaten the good of the community. Cf. *Numbers* 5:1-4.

60. A similar line of argument would legitimate voluntary euthanasia—i.e., those cases in which someone voluntarily requests death at the hands of some other agent.

61. E.g., Augustine construes Lucretia's suicide (rather implausibly) as her attempt to punish herself. *Ibid.*, § 19.