

THE GIFT OF LIFE— WHY THERE IS NO RIGHT TO DIE

• Jörg Splett •

“How are we to conceive
of human dignity? Would we not
want to say that its highest form
is letting oneself be taken?”

In G. K. Chesterton’s novel *Manalive*,¹ a young man is accused of attempting to murder his Cambridge professor. But just when his case seems to be desperate, his near-victim makes his deposition before the tribunal. As it turns out, the two had carried on a nighttime philosophical discussion. “A puppy with hydrophobia would probably struggle for life while we killed it; but if we were kind we should kill it. So an omniscient God would put us out of our pain. He would strike us dead.” “Why doesn’t he strike us dead?” asked the student. “He is dead himself,” answered the philosopher. “And that is where he is truly enviable.” He goes on: “To anyone who thinks, the pleasures of life, trivial and soon tasteless, are bribes to bring us into the torture chamber. We all see that for any thinking man mere extinction is the . . . What are you doing? . . . Are you mad? . . . Put that thing down!”

The professor looks into the mouth of a pistol. He flees by jumping over the balcony onto an old gargoyle. But he can go no

¹G. K. Chesterton, *Manalive* (London: T. Nelson & Sons, 1910), 204–217.

further. And just at this moment, on the last morning of his life, the sun rises, bathing the world in an enchantment of color. An amazing abundance of shapes and nuances of color suddenly surrounds him. “Let me come off this place . . . I can’t bear it.” “Do I understand that you want to get back to life?” “I’d give anything to get back,” replied the unhappy professor. “Give anything!” cried Smith, “then, blast your impudence, give us a song!” And the first thing the student asks of his teacher is the recitation of a hymn: “I thank the goodness and the grace / That on my birth have smiled, / And perched me on this curious place, / A happy English child,” followed by an itemized thanksgiving to God for everything that he sees from his perch outside. Even for the ducks in the pond (not forgetting the drakes), for the houses that are just becoming visible, the shimmering puddles, for sticks and rags and bones and spotted blinds behind the windows . . .

Then Smith lets him back in. And as they sit talking, they make a new discovery: it was not so much Professor Eames who was in danger of death, but Smith. For Smith trusted him and so had to prove with these last desperate measures whether his professor was really serious about things.

This discussion brings out a clear distinction between enjoyment of existence and the Will to Live. “What you knew when you sat on that damned gargoyle was that the world, when all is said and done, is a wonderful and beautiful place; I knew it, because I saw it at the same minute. I saw the grey clouds turn pink, and the little gilt clock in the crack between the houses. It was *those* things you hated leaving, not Life, whatever that is. Eames, we’ve been to the brink of death together; won’t you admit I am right?” “Yes,” said Eames very slowly, “I think you are right.”

1. *Joie de vivre and thanksgiving*

And it is true: “There is nothing lovelier under the sun than to be under the sun.”² Even suffering, pain, and anguish prove the same thing in their different ways. Human beings like to live and are unwilling to die. That is why murder and manslaughter are crimes,

²I. Bachmann, “An die Sonne,” in *Werke* (Munich-Zurich, 1978), I, 136. “Nichts Schöneres unter der Sonne als unter der Sonne zu sein. . . .”

after all. This is also why a suicide horrifies survivors, and why, on the other side of the spectrum, the sacrifice of one's life awakens lasting honor.

This, at any rate, is how a normal, unproblematic sensibility feels about things. That having been said, a further consideration forces itself on us already on this first level: we cannot help feeling that life demands a higher price after all. From the troubles of childhood to the troubles of old age, with the difficulties of puberty and the burdens and cares of adulthood in between. And this is already true when things go on in an inconspicuous, everyday way. How much more true won't it be, then, in times of misery and war, or when one faces gloomy prospects for the future? It is true that people would prefer not to die, but do they honestly want to live through it all again?—Let me refer here to Book 19 of Augustine's *De civitate Dei*, as it were, a little summa of everything that has been said about the difficulty of life: "Is there anyone who could capture the misery of life in words, even if he poured out a flood of eloquence?" (Chapter 4). For man, Augustine thinks, is in constant conflict with himself and so with his fellow men.—And yet the "normal man" will stick with the biblical motto, "Better a living dog than a dead lion" (Ecc 9:4).

Philosophers and theologians are of a different opinion, however. The wisdom of the ages in both East and West obviously agrees in the conviction that life is suffering. This quality of suffering attaches not just to this or that travail, but to each stage of life as such, from birth to death. In short, to existence itself with the "five aggregates" that, according to Buddha's "noble truth of suffering," characterize man: body, sensation, perception, volition, and consciousness.³ The Greeks are of the same mind, "The best is never to be born. And if you are born, the second-best is to return quickly to the place whence you came."⁴

But must we follow this view of things? Perhaps there is a philosophy that attempts to justify ordinary thinking and sensibility.

³"Der Pfeiler der Einsicht," (discourse 22), in *Die Reden Gotamo Buddhos*, ed. K. E. Neumann, vol. 2 (longer text) (Zurich-Vienna, 1957), 382–397, esp. 390ff; cf. H. W. Schumann, *Buddhismus* (Olten, 1976), 59–69.

⁴Sophocles, *Oedipus at Colonus*, 1225ff; cf. Plutarch, *Trostschreiben an Apollonius*, 115 (with reference to Aristotle).

I would like to glean two points for this project from our opening story.

The first is Chesterton's reference to the individual and concrete. The question arises for the two protagonists on that certain morning because they have Cambridge and the particular objects that emerge from darkness at sunrise in view, instead of "life as such." Life is made up of concrete joys and sufferings, not of generalized happiness and unhappiness.

Concreteness is the first point, then. The second point is the act of thanksgiving that Smith wrings out of his professor. Let me open my remarks about gratitude for the time being with an abstract claim: Gratitude is the only mode of reflection that does not "unmask" the rapture of the first moment as an error. How so?

The fact of the matter is that the things around us are neither better than they actually are, nor, if I can put it this way, more permanent and reliable than is really the case. They are—to sum it up in one word—limited. Now if we go on to make this limitation a theme in its own right, then the limited reality and goodness of existing things gets lost in the limitless expanse of all that they are not, do not have, and are unable to give. This overpowering non-being buries the being and goodness that things actually have, even in cases where thinkers do not regard being as such so negatively as Buddha, but—for example, in Hinduism—conceive of it as Saccidananda=being-knowing-bliss. Let us admit, then, that being as such is good; *finite* being in the cycle of births is not.

But what does the experience of Eames and Smith show us? It shows, in the light of the sun that lifted them forth out of the night, that things were both momentary and valuable, that their being, suddenly present there, was something desirable and yet threatened and evanescent, that they possess a fascinating magic even as they are not the origin of their own being.—The tradition offers us the technical term "contingency" as a tool for grasping both of these aspects at once without abridging either.

In the course of time, the word "contingency" itself has acquired a rather negative coloration. When one speaks of "experiencing a contingency," one means the painful shock of running up against limits. *Contingit*, however, literally means that something is on target and as expected, *that it* turns out and works. In other words, the very thing that was not at all obvious, that strictly speaking, should not occur, has turned out happily. There is a

similarity between contingency and time, for the transitoriness of time is the aspect that occupies the foreground of our attention—as if it could pass away without first having come to us out of the free gift of the future!

Contingent being, accordingly, does not derive its possibility, much less its reality, from itself. If, however, it actually does exist then it must do so thanks to another: it has another reality to thank for the foundation of its being. Such, at any rate, is the case with individual things or states of affairs, but how would it be if, in addition to such things, the world and life as a whole could not be taken for granted?

This is not the time or place for a discussion of the possibilities and limits of proofs, or indications, of God. And yet I think it is important to avoid introducing talk of creator and creation into the discussion simply on the basis of the Bible without any mediation, and so to speak, “from the outside.” Such talk would also have to be verified in the context of a specific reflection on being and life.⁵ In any case, in one that endeavored to avoid reducing the richness of our experience to fit some scientific dogma.

But say someone, confronting the things around him and his own life, does not merely think about but “realizes,” that is, becomes vitally aware of, and further, performs with full awareness, the fact that he has another to thank for his existence. Say, in other words, that someone “lives” his ontological thanks in the way that we have just described. If he does, then he will explicitly thank the ground of existence. And with that, the train of our reflection has caught up with Chesterton’s second point. Recall that the first point was a kind of protest against abstract questions of principle that emphasized the concrete reality of life. At issue in the second point is the concrete thanks that corresponds to this reality.

Let me close this section by citing Franz von Baader’s profound definition of thanks. Von Baader, a contemporary, and critical correspondent of Hegel, states that thanking means acknowledging the presence of the giver in the gift.⁶

⁵See my *Gotteserfahrung im Denken. Zur philosophischen Rechtfertigung des Redens von Gott*, 5th ed. (Munich, 2005); for a more distilled version, see “Über die Möglichkeit, Gott heute zu denken,” chapter 7 in *Handbuch der Fundamentaltheologie*, vol. 1, ed. W. Kern et al., 2nd ed. (Tübingen–Basel, 2000).

⁶SW, Leipzig, 185ff (Aalen, 1963) IX, 387.

2. *Finitude affirmed*

When someone thanks, he is affirming the finite in its finitude. Precisely this affirmation is the basic attitude pervading the Bible when it talks about creation. The belief in creation common to the three Abrahamic religions means that the existence of the finite rests upon the foundation of freedom. Finite existence, in other words, is willed, that is, is good. For good means nothing other than “is meant to be”=actually willed or fit to be willed.

The biblical creation account expresses this point in a series of double affirmations. First it reports the creator’s command that things should come to be; then it adds the confirmation God utters when he looks back over his work in the evening: “and he saw that it was good.” This approving declaration of goodness is an addition repeated at the end of the six days’ work. And according to a widespread rabbinic tradition, the Fall of the first human couple is supposed to have occurred right away, in other words, immediately after the beginning of their life in paradise. In spite of that: the world is good.

Committed Christians often champion nowadays an “option for the small and the weak.” In their prophetic engagement on behalf of this cause they appeal to Jesus’ example. And they are perfectly right, of course. But Jesus’ behavior toward the small and the weak is nothing other than the consequence of the event of creation; in this case, too, as in all others, he wished merely to restore his Father’s original ordering.⁷ To create, in fact, says *and* does just that: the finite and limited may, indeed, ought, to exist. It is not just the infinite, but also the limited that is good.

In order to reconcile us with the limits and lacks of the world, Leibniz tried to show that this creation is the best of all possible worlds. Otherwise, Leibniz reasoned, God would have created it even better than it is. For if we human beings attempt—sometimes, at least—to give our best, we ought a fortiori to be able to expect the same from the creator. This argument sounds obvious, even irrefutable. Allow me to take the liberty, though, of contradicting a great thinker.

In order to substantiate our disagreement, we do not need to develop subtle considerations here about the concept and reality of

⁷See, for example, on marriage: Mark 10:6ff.

divine freedom and omnipotence. In my opinion, it is enough to point out that a *best of all possible worlds*, that would be best in itself, that is, simply and without qualification, is as impossible as the absolutely greatest number⁸—indeed, it is not even conceivable. For every number n , there is the number $n + 1$. For every world, no matter how glorious, it is possible to conceive another world with even profounder thinkers, even holier saints, and even more ardent angels. And the point is that it is possible to do more than just conceive of such a world. In other words, if the creator had bound himself strictly to create the best, or even just what in each given case was better, then it is not just our world that would not exist; there would be no world at all. For any and every world is capable of enhancement.

Let us impress clearly on our minds then how strictly true the old saying is: “the better is the enemy of the good.”—How good it is that the creator does not adopt it as a rule of action. If he did, none of us would exist for there is always someone better than any of us. It is also good, furthermore, that we too do not consistently adopt it as a rule of action. If you love, you keep your eyes gratefully on the good that encounters you in the Thou that comes your way instead of being always on the lookout for a better deal. Love does not sovereignly compare; its fundamental motto is “solely”; it allows itself to be laid hold of, collected and undistracted.

But why, or to what extent, is the actually existing created world good? It cannot be good in the sense of useful, by which I mean advantageous for someone or usable for some goal.

For in this respect, there are two alternatives. *Either* a best of all possible worlds could exist—that is, with a view to some limited objective. There is no greatest number, but there is certainly the best—the right—number for a particular endeavor, whether we are talking about a checkers match or a sailing party or a production of Beethoven’s Ninth. And yet if such a partial goal were not just one among many, but actually were the basis and point of our existence, then we would by that very fact be degraded to the level of slaves, of a mere means to an end. This is the case, for example, in Oriental “creation” myths, which represent human beings as being produced

⁸See *Gotteserfahrung im Denken*, 194f (in chapter 9, which addresses the question of Job, which we must leave aside here). For a different answer, see R. M. Adams, “Must God Create the Best?” *Philosophical Review* 81 (1972): 317–332.

in order to serve the gods' needs by means of their sacrifices. But if that were true, then what would be left of the value of human life?

Or—and this is the second alternative—we continue to understand creation as having some unrestricted and comprehensive goal (however we might imagine that goal in the concrete). In this case, there would indeed be no best of all possible worlds, but then even the best possible world would now *not even be good*. I am perfectly serious about this. Because, looking at it as a whole, we do not call something that is serviceable, even when it *could be*, in fact, in principle, infinitely more serviceable, “good.” Its modest value is far outweighed by everything that it is not, and does not accomplish. This is, to return to an earlier point, the source of the negative judgments about life pronounced by both East and West.

We thus have just one recourse: if creation is to be good in spite of all this, then this can be only insofar as creation is willed—freely and without instrumental ordination to some objective—by God. Not good for something, but simply *good*: the world and we in it, its existence and ours, are good “prior to any merit,” and therefore also good “despite all sin.”⁹

3. *The value of life?—The gift of life*

If these considerations are correct, it follows that it is an unhappy choice of words to speak of the “value” of this world. The same is true in equal measure of the phrase “the value of life.”—The concept of value derives from economics, from the domain of comparison and exchange, from the realm of contractual equalization of diverse aims and goals. The economic perspective itself already reveals certain problems. For exchange actually happens only when there are subjective differences in value, and not when those involved in the exchange feel that everything is just as valuable as everything else. On the other hand, however, “fairness in exchange” also brings objectivity into play: the exchange ought to be governed by an equality of value, or at least by a commensurability of comparable values. This objectivity calls for a doctrine of value and the distinction between the urgency and the “rank” of a value.

⁹K. Kliesch, “Spuren des Geistes. Kreuzberger Erfahrungen,” *Bibel und Leben* 28 (1989): 28–30; here, 29.

In listening to Christians dialogue about peace, to take an example, I even hear the claim that life is the highest value. To use this phrase is not just to stigmatize the martyrs as fools or—as the new slogan (or kiss of death) has it—as “fundamentalists.” Rather, the refusal of this elevation of life to the supreme value identifies with exactitude the point where man rises up from the animal level to the level of morality in the first place. Being human as such means that “of goods the highest,” to say it with Schiller, is not life—just as it is not, say, death, but rather sin that represents “of evils the greatest.”¹⁰ Indeed and in truth, man is the creature whose life ceases to have any more value as soon as he regards nothing as more valuable than his life.

And yet, the tools of the value philosophers fail when they are supposed to complement generalized hierarchies of value—as, for example, pleasant, healthy, fine, ethically right, holy—by working out more precise scales of value and rules for preferring one value to another. “We have no common measuring stick for the value of a magnanimous deed and the value of a sunset or of a pleasant evening enjoyed with friends. There is no such thing as an axiological calculus.”¹¹

We can still say, though, that life is *the* basic and fundamental “value”—just as personhood is the absolute “value.” But for this very reason, I would like to make the case that we should forgo using the concept of value to talk about them. With regard to the person, it seems to me indispensable to retain the title of *dignity*, even though certain authors tell us that this expression is “idealistic” and antiquated.

A point that we cannot treat here even *en passant* is the Australian Peter Singer’s inhuman concept of the person.¹² He calls a healthy pet a person, but refuses the title for a severely handicapped baby. Discussion of Singer’s position would require an essay of its own. For now, let it suffice to observe that it is precisely responsibil-

¹⁰The closing lines of *Braut von Messina*; see J. Splett, *Freiheits-Erfahrung. Vergegenwärtigungen christlicher Anthropol-Theologie*, 2nd ed. (Cologne, 2005), chapter 13, esp. 265–270.

¹¹Joseph de Finance, *Grundlegung der Ethik* (Freiburg, 1968), 98.

¹²See G. Haeflner, “Aufgrund wovon kommt einem Menschen die Würde einer Person zu?” in *Der Mensch und seine Frage nach dem Absoluten*, ed. P. Ehlen (Munich, 1994), 79–107.

ity, which means, having a conscience and being conscientious, that prove one's status as a person. And this is true not only in private life, but in the life of scholarship as well.

Of course, the concept of dignity does not permit a *sufficient* definition of what human beings are required to do.¹³ For this definition we have further need of some additional considerations. And yet it does name a *necessary* condition of humanity.—The uniqueness and incomparability of every person, independently of its “human *value*,” is expressed nowhere more uncompromisingly than in the word *dignity*, when applied to man. And this fundamental ontological dignity belongs not just to the consciously awake person, but also to the sleeping person; not just to the adult person, but also to someone who is just beginning to mature to consciousness.

I would like to propose that here, too, we no longer speak of the value of life, let alone, of course, of life “worthy” or “unworthy” to be lived. Life is not a merchandise or an object of exchange. It is a fundamental good, something precious in and for itself.—Its goodness or “affirmability” is not determined by its utility for other people and things, not even by its aggregate utility for the subject of this life himself. This is because it is not defined at all by any aim or goal or by its utility for any aim or goal. The basis of its weight and value lies not in an “in order that,” but in a “from.”

Life has a foundation. It is willed; and the fact that its being is willed and is a good that ought to be defines its rank. The primordial “datum” of life—like every gift—carries not just the price and value of itself; by its very essence it has the preciousness that comes from being a gift given. As Luther says, its proper rank is not its property, “in the way that a painted board has its color.”¹⁴ Even existence itself is not a property (in Kant's language, it is not a predicate). I “have” a clothing size but is it really also true that I “have” this “having”? Could I say that I “have” being and life in the same way that I have my eye color?

To be sure, *I* am the one who is and who lives—and I am not simply “lived” or, if you'll pardon the expression, “being-ed.” But being and life are not something that I *have*. And when somebody loves me, could I really say that I *have* my being loved

¹³B. Schüller, *Die Begründung sittlicher Urteile* (Düsseldorf, 1980), 321–336.

¹⁴Luther, WA 10 I 1, 114f, as quoted in O. H. Pesch, *Frei sein aus Gnade. Theologische Anthropologie* (Freiburg, 1983), 268f.

in the same way that I have a certain weight and body size? No, it is something “posited,” as Kant says; or, to put it with Luther, it comes to us “from the outside,” “*ab extra*,” for it is granted to us by freedom.

To sum up: to live is to be because one’s being is willed. And the doctrine of creation says that every life is so willed. Whatever people might say, the fact remains that none of us merely “happened.” Every one of us is called.¹⁵ Every one of us was given—to himself and to others.

4. Responsibility

It must be added, though, that a gift (*Gabe*) is always a task (*Aufgabe*) too. This explains why gifts are not just a cause of rejoicing but often also feed a secret resentment. First of all, one has to receive the gift—or one must explicitly refuse it and take the trouble to work up an excuse like the people in Jesus’ parable (Mt 22) who are invited to the wedding without being consulted first. Is there anyone among us who can claim that “the acceptance of himself” never caused him any problems?

The further problem is that gifts have to be handled properly, even when they “belong” to one. *Having* means more than possessing. Cain had a brother—and what would it mean for people to “have” their conscience or say, for Christians to “have” God’s word and truth in a similar sense of “having”? They would not have these things in order to possess them, but in order to guard them and bear witness to them. And the same is already true of life, their own life and the life of others. Life is God’s gift, which he does not merely lend but truly entrusts to us.

Life therefore challenges us to be responsible. It must be said, though, that we are not responsible in the “absolute” sense that is more and more widespread today. In other words, we are not *responsible* without further specification, in a vague, general way, but in the full, technical, triple sense of the word. Accordingly, responsi-

¹⁵R. Guardini, *Welt und Person. Versuche zur christlichen Lehre vom Menschen* (Würzburg, 1940), 25, 114; id., *Die Annahme seiner selbst* (Mainz, 1993); J. Splett, *Spiel-Ernst. Anstöße christlicher Philosophie* (Frankfurt am Main, 1993), chap. 1: “Sich einlassen auf das Spiel?”

bility means (1) having to answer (2) before someone (with respect to someone) (3) in view of someone (or something).

This raises, however, two subsequent questions that demand an answer. On the one hand, only persons appear to be called by a name into existence. The fundamental gift of life is thus intimately bound up with the dignity that comes to persons on account of their high calling. Given this fact, how do things stand with subhuman life? This is a question that today is posed precisely to the biblical and Christian tradition. On the other hand, our thesis presents itself as a theological one even though it is not proposed dogmatically but as a *votum* of philosophical theology, that is, as an open discussion about God. Would it be possible to make sense of, and produce assent for, talk of responsibility for life outside of the theistic world?

As for the first point, the fact that life is “a glory”—as Rilke says in the midst of a most painful death¹⁶—is something that Smith and Eames have experienced with their own senses. On the other hand, a feature of this life is precisely reciprocal destruction and consumption, eating and being eaten. It is here that one identifies the limits of a pure ethic of life à la Albert Schweitzer.¹⁷

Man’s ethos cannot be purely “natural.” But what follows from this fact? If we seek an entree into the question, the only one I can see, although it is also precisely the one we should expect, is the character of creation as gift that we considered above. One’s first attitude towards a gift is not to subject it to some preexisting measure of worth and goal-effectiveness; rather, the first thing that needs to be done is to receive the presence of the giver in the gift.

¹⁶“Vergessen Sie nie, Liebe, das Leben ist eine Herrlichkeit!” (J. R. V. Salis, *Rilkes Schweizer Jahre* [Frankfurt/M., 1975], 277).

¹⁷“Good means [for man once he has begun to think] to preserve life, to promote life, to raise the development of life to its highest peak. Evil means to annihilate life, to damage life, to suppress the development of life. This is the intellectually inescapable, absolutely fundamental principle of life” (*Aus meinem Leben und Denken* [Hamburg, 1959], 134). If this were the case, however, man would be subject to the law pronouncing him “guilty by reason of the destruction and injury of life” (*ibid.*), because man, like all living things, can live only at the expense of other life—once guilt becomes inevitable, the concept of guilt not only loses its point as an authority to be appealed to, but the ethical perspective as such disintegrates into absurdity. The principle of a humane ethics cannot be the fact of *bios*, neither the drive and will to live, nor the—supposedly absolute?—“value” of life.

There can be no disputing that the religions of creation are guilty of sins of commission and omission. But when critics charge them with a constitutional heartless anthropocentrism and the incapacity to care for nature, then we have to reply that just the opposite is true: it is only these religions that carry a principle enabling us to reconcile in a rational manner the dignity and the needs of man with the requisite stewardship of nature. Man's special rank consists after all precisely in his responsibility (no vegetarian admonishes lions not to eat meat and no animal-rights activist protests against blood flukes or viruses). Man is lord not as a despot but as God's deputy in this world. He is neither a plant nor a beast, but a "gardener." He is not simply, passively ordered about, but serves with independent initiative.¹⁸

This is not a place to work out rules for man's stewardship. And yet the topic of stewardship, together with all of our other fundamental reflections as a whole, raises the second question, which concerns the extent to which a theo-logical perspective is susceptible of rational discussion. As far as both subhuman life and man's right to life are concerned, I begin by referring once again to what every unspoiled mind naturally experiences of the "life-world," in other words, to what John Henry Newman calls the "moral sense" and "the sense of duty."

Nevertheless, neither "folk wisdom" nor "common sense" always lives up to its name. And as soon as conflicts arise, the disputes they engender require a more differentiated account. Nor am I speaking here only of the "man in the street," but expressly of the so-called intellectuals, too. On the contrary, there is no little evidence that their mental agility makes it easier for them to shout down the voice of the heart. I say this, though, without adopting the malicious definition of intellectuals as people whose characters are not equal to their gifts.

With respect to *subhuman life*, our considerations can be summed up in the following dilemma: how does an ethics whose foundation purports to dispense as a matter of principle with any reference to God avoid two consequences that threaten it? *Either* we

¹⁸Ph. Schmitz, ed., *Macht euch die Erde untertan? Schöpfungsglaube und Umweltkrise* (Würzburg, 1981); J. Splett, "Macht euch die Erde untertan?" in *Wissenschaft Technik Humanität*, ed. A. J. Buch and J. Splett (Frankfurt am Main, 1982), 175–202.

end up when all is said and done attempting a rational-“autonomous” control over nature, in the sense of nature both around us and in us. It is such an attempt that would actually merit the name “speciesism,” Singer’s term for the privileging of one’s own species. Since all species obviously do just that, why shouldn’t man do so as well?

Or we pursue a fanatical anti-humanism that aims to subject man to what conventional science takes to be biological norms and the natural processes of breeding and selection. Of course, “man” means here concretely the individual who then falls under the control of the—supposedly superhuman?—expert. As for the natural processes themselves, in such a scenario they also cease to be purely natural but are caused, guided, or at the very least, purposely left to themselves by human beings. At that point, however, the extremes meet, and the name of their meeting point is biological technologism. I have always regarded Huxley’s *Brave New World* as the greater and more serious danger than Orwell’s *1984*.

5. *At play*

Turning to the *person*, then, we have to go beyond subhuman nature to consider above all what Kant called the “fact of reason,” which is to say, the experience of conscience that we already mentioned above. Since I have already dealt extensively with this topic elsewhere, I would like to recall briefly three main points.¹⁹ (1) Conscience does not simply register but also performs an original act of *approval*. The good appears only in consent. (2) Ethical consciousness is not just about being moved existentially (as it is, for example, with Schopenhauer’s questionable compassion); the predominant note is *understanding*: although the good shows itself only in consent, this does not mean that it is good *because* of this consent in the first place. Now, I say that compassion is questionable, because²⁰ it offers only two methods of resolving the problem

¹⁹With reference to Dieter Henrich, “Der Begriff der sittlichen Einsicht und Kant’s Lehre vom Faktum der Vernunft,” in *Die Gegenwart der Griechen im neueren Denken* (FS Gadamer), ed. D. Henrich et al. (Tübingen, 1969), 77–109; esp. 84; see particularly “Spiel-Ernst,” n. 16, ch. 2: “Warum menschlich sein (sollen)?” esp. 58ff.

²⁰Among others, see La Rochefoucauld (his maxims regarding misery and one’s close friends), and Nietzsche.

of ineliminable suffering: either one joins in the suffering oneself, or—on account of one's own failure of nerve—one eliminates the sufferer. (3) Consent is “a spontaneous achievement of the self; one can say that the self constitutes itself in this consent in the first place.”²¹

In “proof” of this “fact” one could show that the very act of contesting the ethical demand presupposes acknowledgment of it. For how can we even attempt to call anything into question if we were not duty-bound either to respect the other or “to give the truth” as we know it in good conscience “the honor”? I do understand, though, that many find such arguments so obvious as to be superfluous. Our brief sketch should in fact suffice for exchange between human beings in speech. That it does not convince everyone—especially not every philosopher—shows that, like every earthly thing, it is capable of improvement, but this is by no means a refutation of its validity.

Now, our topic is not *ethics*, much less the foundation of ethics. My point here, however, is this: the true value of the gift of life to man goes unrecognized so long as we do not take into account the phenomenon of having a conscience, as well. In a word, true love commands love and precisely that is its special gift.

I would like to illustrate this by means of an intellectual detour. Everyone is familiar today with the phrase “helper syndrome.” This syndrome is a way of cutting through the knotty problem of meaning with the sword of moral imperatives. Because one finds self-acceptance too toilsome, one replaces it by attending to the needs of others. Better, by escaping oneself in others—what is less known, however, is that the reaction to this helper syndrome threatens an equally, if not more powerfully, destructive self-preoccupation. Is there sufficient awareness—in the “age of narcissism” and of the “tyranny of interiority”²²—of the “implosive power” of methods of self-discovery and self-actualization (like commands to “be spontaneous”)? I do not mean this at all in a moral sense. I am simply describing with an eye to the fate of

²¹Henrich, 86, with reference to S. Kierkegaard. Cf. J. Splett, “Auf der Flucht vor sich?” in *Entweder/Oder*, ed. J. Splett and A. Frohnhofen (Frankfurt am Main, 1988), 82–100.

²²C. Lasch, *Das Zeitalter des Narzissmus* (Steinhausen, 1980); R. Sennett, *Verfall und Ende des öffentlichen Lebens. Die Tyrannei der Intimität* (Frankfurt am Main, 1985).

Narcissus and the typical outcome of endless “relational conflicts” with oneself²³—the escape to the outside is matched here by an escape into one’s own self. But in either case, what is being fled from is the searching question, “Adam/Eve, where are you?”

To put it another way, it is a “superficial wisdom” to say that love cannot be commanded.²⁴ What else does love (although not the lover) do? There is no question of some sort of quid pro quo, but love absolutely requires recognition and acknowledgment as love. But only the eye of love is capable of that (another eye would only see pushiness or the play of drives: the will to domination or submissiveness).

Now, according to Emmanuel Levinas, this invitation to love is an event of “election.” The individual is called by name, in fact, it is just then that he first acquires his name. Levinas even wonders whether or not one could “speak of a *creatio ex nihilo*” here.²⁵ In other words, we are not simply called into being, but called into being present for others and with others. Nothing makes the goodness of God’s being more manifest than this command that is also an offer. “He does not fill me with good things, but urges me to the good, that is better than all good things that we can receive.”²⁶

On closer consideration it becomes clear that conscience is a matter, not simply or even primarily of norms, of correct action in the world vis-à-vis one’s neighbor and oneself. In the very first place there stands—even though theologians themselves fail to say this often enough—the answer to the holy caller from whom the call issues (the “second tablet” of Moses is preceded by the first and the first of the two great commandments comes before the second).

For the same reason, we should also cease talking about the “value” of life, in order to bear witness to its “sanctity.” If we adhere to the strict meaning of the word, then life is holy because it is divine, that is, given by God and reserved to God (very few of us still remember that precisely the mark of Cain in Genesis 4:15 was

²³Cf. J. Splett, “‘Selbstverwirklichung’—christliche?” *NOrd* 56 (2002): 359–368.

²⁴A. Finkielkraut, *Die Weisheit der Liebe* (Reinbek b. Hamburg, 1989), 33.

²⁵*Humanismus des anderen Menschen* (L. Wenzler) (Hamburg, 1989), 33.

²⁶“Gott und die Philosophie,” in *Gott nennen. Phänomenologische Zugänge*, ed. B. Casper (Freiburg-Munich, 1981), 81–123; here, 107; J. Splett, *Leben als Mit-Sein. Vom trinitarisch Menschlichen* (Frankfurt am Main, 1990), chapter 6, “Grundgesetz Freigebigkeit,” esp. 112ff.

a sign for the protection of the holiness of life. Even the life of the murderer is holy. Vengeance may not lay a hand on it, but only law—which in its own turn is holy).

By the same token, life also has no *purpose*—the rose blooms without a reason why. We can emphatically say, though, that it has *meaning*. Because it is given with full freedom and generosity, it has to be accepted as the gift it is. Acceptance, the willingness to let oneself be given something, is the primordial act of gratitude. And gratitude—if we cast a glance back to the beginning—is in turn an answer of love.

Love, however, does not remain reactive. It is for this reason that we have spoken here of conscience. The importance of conscience was not that it somehow justifies our existence, but that it stands in the service of a well-turned out life.—Life needs to be accepted, that is, it needs to be lived. But it is lived when it comes into play, when it is risked, when it is staked on the game (instead of being buried, as in the parable of the talents). If the holiness of life is based on the fact that life is a gift, then the recipient demonstrates his nobility by refusing to snatch up and cling to the gift “as something to be grasped at” (Phil 2:6). *Life as gift* comes to fulfillment in the acceptance of oneself when it is handed on to others: *life given away*. The grace and nobility of life consists in the fact that “no one lives for himself” (Rom 14:7).

6. Is there a right to die?

One does not grab a gift, nor does one cast it away. For this reason, I feel it is necessary to follow up the foregoing considerations with an examination of the opinions that Hans Küng and Walter Jens have presented under the title *Dying With Human Dignity*.²⁷

Of course, the thesis that death is a human right is not new. What I find to be new is that the argument for this thesis is put forward in a Christian context. To say it at the outset, the thing that makes dialogue difficult here is the rhetorical style of the authors, which I do not hesitate to say is downright demagogical in certain passages. What do I mean by charging them with demagoguery? The

²⁷*Menschenwürdig sterben. Ein Plädoyer für Selbstantwortung. Mit Beiträgen von Dietrich Niethammer und Albin Eser* (Munich and Zurich, 1995).

problem begins already with their consistent relocation of the discussion from the basic question of principle to the domain of emotion. Who of us is not acquainted with some devastating instance of suffering in this domain? I would like to recall, though, Schopenhauer's remark about compassion. Küng and Jens vehemently resist the suggestion that they are in any way connected with the euthanasia advocates of the Third Reich. But the parallels between their methods and the Nazis' are literally impossible to miss. In Nazi Germany, collaborators of the so-called "Aktion Gnadentod" [Operation Merciful Death] initiated the film *I Accuse*. The victim of the accusation—today one would say, of "criminalization"—is the loving husband who "released" his wife with a draught of poison.

As often happens in other public ethical debates, Küng and Jens try to counter clear reasoning about principles with a vortex of emotion on the one hand, and the point and counterpoint of scientific opinions, on the other. The authors inform us that arguments against "active assistance to the dying" [aktive Sterbehilfe] are "in many cases . . . anything but 'purely scientific'" (51). The phrase "active assistance to the dying" encodes a lie that is already disturbing, independently of Küng's and Jens's appeal to science. Those who volunteer their time to accompany the dying in hospices are the ones who can truly be said to assist them actively. It ought to be forbidden to use the beautiful word "assistance" as a euphemism for killing. But that arguments on this topic are not "purely scientific" is obvious. We are not talking here about conventional empirical science. Küng and Jens then go on to declare that medicine is continually expanding "the grey zones between active and passive assistance to the dying" [=euthanasia] (56). But why, the authors ask, should pulling a plug count as purely passive; after all, the effect is the same in both cases.

The second point, stripped of rhetoric, is once again obvious. Yes, the effect is the same, because the person in question is dead. But is this supposed to be an argument?—first of all, the moral borderline does not run simply between "active" and "passive." You can kill someone through action but also through culpable inaction. This has nothing to do with cases in which there is no recourse to extraordinary measures, which may not help, and may even simply prolong the agony. But in the normal case, everyone, including the doctor, is perfectly capable of distinguishing between killing someone and refraining from violently preventing him from dying.

And we should not let this clarity be unsettled by fixation on abnormal limit cases.

It is also quite true that in practice it is often almost impossible to keep separate what we can distinguish conceptually (56). This difficulty flows from the nature of speech itself and was already known to the ancient sophists, who used it to gain leverage against moral obligations, reasoning that if one may legitimately scratch one's mother's back, then what is so wrong with what Oedipus did? Above all, we are not interested in "condemning countless people" (56), but in having an ethical discussion. Our concern, in other words, is the objective question whether a particular action is right or wrong. When someone acts conscientiously, he acts well—even if his action (on account of culpable error) is wrong in itself. Or someone who is no longer master of himself (as was probably the case with Adalbert Stifter, who committed suicide) would not be praiseworthy, but at least would be exonerated of wrongdoing.

On the next page (57) we read "where some cry 'murder' the others appeal to 'compassion' . . . which standards are right? For a Christian . . . who follows the merciful Jesus . . . it clearly cannot be *an ethics of pure prohibitions and sanctions*." Assuming that the question of sanctions, that is, of punishments, is not at issue here (besides, what is meant by the adjective "pure"?), the question of prohibitions certainly is. Or would Küng and Jens want to say that rape, for example, is no longer "purely" forbidden, once Jesus has appeared on the scene?—one sees that the authors are not discussing objective arguments but creating a climate in which the hearer/reader is not *persuaded* by discourse—mediated understanding—but *talked into* a position by infection with a certain state of feeling. This is, after all, one of the goals of rhetoric.

In a similar vein, the authors go on to say (65) that we ought to be fully clear "about what sort of pernicious consequences a deviation from the principle of inviolability . . . can have." *Can* have? The authors speak as if a merely possible abuse were at issue. But this has nothing to do with impending dangers, so that there is also no need to wrangle over the so-called slippery slope argument. To suspend—not a *norm*, since there is no rule without an exception—but a *principle* is *eo ipso* and regardless of any further consequences wrong and pernicious. Or is Hans Küng proposing to argue for the claim that "once doesn't count"?

And what does Küng mean when he remarks that the bishops' conference will come out of the discussion the loser—as in

the abortion debate (70)? Is he suggesting that it ought to have spoken up for the killing of the unborn, or at least agreed to compromises—but to which ones? Which children to sacrifice?—to avoid being marginalized and dismissed as “fanatical” (73) by superior liberals?—Yes, decisions of conscience call for respect (71). But how does that help us—I find I must repeat myself—with properly ethical questions (by the way, it is worth pondering that, as far as we can tell, both Hitler and Saddam Hussein, like many extreme leftist terrorists, acted out of conviction.²⁸ Let me be clear: this does not put people like Sigmund Freud’s doctor in the same category with such criminals, but it does show that the mere fact of being convinced is far from being a guarantee that one is doing the right thing). Küng writes that the discussion needs to be elevated to a new level (73). The “decisive point” on his account is that—precisely because death is not the ultimate end—he is not “so concerned with an endless prolongation” of his life. Once again, this is not at all the issue. What is at issue is not the prolongation of life, but the explicit and direct interruption of it.

I am at a loss as to which is worse: the rhetoricizing theologian, or the theologizing rhetorician. But perhaps it is the first, because in the case of the second, we know right from the outset that he is going to replace objective argument about the issues with literary scenes instead of dogmatic questions.

I would like to lift out a citation, which also happens to be a question, that Küng uses from the moving dictations of Peter Noll²⁹: “why may animals be put to sleep, and not people?” (113). Noll says this in the context of personal self-clarification, and that I can respect. But my respect does not extend to the way Walter Jens uses the citation in his public lecture. For the answer is simply that animals “may” nothing. Just as, on the other hand, they never “ought” anything. They are not subject to any ethical requirement. Noll himself makes exactly this point two pages later (65), but Jens does not report this. “In contrast to the animal, man’s brain is set up from the outset with the two ideas of death and God.” And he continues, “only apparently do people develop backwards . . . with respect to these two supreme ideas.”

²⁸Cf. J. Ratzinger, *Werte in Zeiten des Umbruchs* (Freiburg, 2005), 102–108.

²⁹*Diktäte über Sterben und Tod. Mit Totenrede von Max Frisch* (Zürich, 1984), 63.

Otherwise, the authors continue to displace the question with the same rhetorical tricks on to the end of the book (125): permission to kill on request would, the authors argue, rob the unconsciously held childish belief in immortality of its power. The knowledge that one can die “when coupled with the principle that ‘every man has the right not to suffer’” will, they tell us, restore a more humane society. They end by citing—against centuries that have prayed in a completely different sense—Kurt Marti’s wish “that death will strike us / sudden and sweet / from one second to the other.”

Enough of this book. It does contain two statements, one from the juridical point of view by Albin Eser, and another, quite critical one from the medical point of view, by the pediatrician Dietrich Niethammer, but the authors do not critically engage the position. They give their opinion and cite counteropinions. So it remains up to us to deal with the issue.

And let us begin by considering those who accompany the dying. What I have to say about this I have learned from Hansjürgen Verweyen³⁰: as soon as you declare that another’s suffering is meaningless, you have, by that very judgment *on* him and his situation, ceased to be *with* him. It would be a different thing entirely to refuse to leave him unaccompanied even “in this last step into meaninglessness.” What happens then? Verweyen writes, “it is impossible consciously to take a step in any direction, no matter how unknown, without awakening at least some hope for meaning, however open-ended.” To accompany the other in solidarity is thus to perform an act of hope against every appearance of meaninglessness.

This reflection on solidarity also applies to the sufferer himself. Leaving aside the question of how humane one can really be if one is planning to kill one’s fellow man, we have to face here the question of my solidarity with the others, as a dying person. After all, even dying is an act of life, and human life implies connection with one’s fellow man.

What do I mean by this? When I (1) declare that my life is meaningless and (2) decide that it is permissible to end such a senseless life, I am not simply choosing for myself but making a

³⁰Hansjürgen Verweyen, “Kants Gottespostulat und das Problem sinnlosen Leidens,” *ThPh* 62 (1987): 580–587.

general judgment. Everyone in my situation is permitted to do as I do. If no one contradicts me, then from now on everyone else has to justify himself when he (still) *refuses* to make use of his right to die—given that he is a burden for those around him.

I think it is important to stress that I am not basing my argument on some possible abuse or on some “slippery slope,” but on principle. I am not speaking of heartless children and greedy heirs. For the core idea of what we have considered here together is the intuition that none of us can justify his own existence. No matter what merits we might be able to claim, it remains that we have always already cost others and asked much of them. What are we willing to ask of them?

This is why it was necessary at an earlier stage of our argument to leave the plane of values in order to bring the *sanctity* of life into view. Only when our lives are safe as a matter of principle from our and others’ grasp, can we actually live them. I am not advancing, then, the fallacious argument that since God is the lord of life, we have no right to do anything with it.³¹

After all, the creator is also the lord of sickness and of health and he has never forbidden the medical vocation. The only thing that follows from his lordship over life is that we must answer to him in responsibility. This is something the martyr, the one who sacrifices himself for others, can do. It is also something that those who engage in self-defense, or at least, assist in the self-defense of others, can do. But none of this, as far as I can see, amounts to any justification for euthanasia.

There is no need to produce a positive proof that life or some slice of it is meaningful. A fortiori, there is absolutely no need to show what the meaning of pain and suffering might consist in. Such attempts, I contend, lead to cynicism. Even the biblical tradition had to learn this: the book of Job bears witness to it when it depicts the failure of Job’s friends with their plausible arguments—this is why, on the other hand, we also hear in the same writings the cry, “Why,” and “How long, Lord?” To face this truth also requires in its turn a contribution of one’s own. Which does not mean, however, that we find a solution when we

³¹Cf. B. Schüller, *Die Begründung sittlicher Urteile. Typen ethischer Argumentation in der Moralthologie* (Düsseldorf, 1980), 238ff.

make it.³² But humanity does not require this either. Rather, humanity's task is to prove itself in the face of our lack of answers.

For this reason, Verweyen did not say that the agonies of the dying are meaningful, but that our job is not to abandon them "in this last step into meaninglessness."

That having been said, let me nonetheless be allowed one last cautious remark, which goes beyond discussion and argument. A book review bore the title, "There Is No Death With Dignity."³³ The author's point was that it is not death but life that is worthy of man. This title is pregnant with many implications. Even according to the Bible, death is not simply "natural." A further point is that dying, in most concrete cases, is a bitter process, as Sherwin B. Nuland informs us in his recent book.³⁴ Still, I would agree here with Walter Jens when he expresses the doubt that death with dignity is really so rare, after all (121). More important is a third point: one may wish to die calmly, even cheerfully, but is such a death a requirement of human dignity? Is it a requirement of faith in the God and Father of Jesus Christ? Are we really obliged to say that only one sort of death (175), a death in "calm security" without "lamentation" is "truly worthy" of human dignity?

How, in the end, are we to conceive of human dignity in the first place: as stoic dominion over fate, as sovereign self-determination, as a private arrangement according to a calculus of pleasure or pain? Or would we not want to say that its highest form is giving of self, indeed, not just giving oneself, but letting oneself be taken? For just then would one attain the uttermost generosity. I have in another context dealt with a similar point with regard to marriage, which involves a letting-oneself-be-grasped in love, an ecstasy in which one is taken out of oneself and is "totally outside oneself"—what if this could shed light for our thought to follow into the darkness of death? I already made it clear that I am not offering any answer or "meaning," not even consolation. Perhaps the terror becomes even more intense.

³²See, in addition to the reference in footnote 8, J. Splett, *Denken vor Gott* (Frankfurt am Main, 1996), chapter 10.

³³P. Bahner, in *FAZ*, 18 July 1995, p. 28.

³⁴*Wie wir sterben: ein Ende in Würde?* (Munich, 1994).

And yet. In a lecture given towards the end of his life, Karl Rahner posed the question, why does God allow us to suffer?³⁵ Needless to say, Rahner, too, has no answer. But he does draw our attention to the fact that in the praxis of life, acceptance of the mystery of God takes place solely in the silent acceptance of the inexplicability and unanswerability of suffering (464). Otherwise, we would be affirming our *idea* of God, and not God himself (465). Does life's holiness meet us here once again—precisely in the agony of death that strips us of ourself? Holiness, ultimately, because it leads us to the Holy One himself?—*Translated by Adrian J. Walker.* □

JÖRG SPLETT is professor of philosophical anthropology and theology at the Philosophisch-Theologische Hochschule Sankt-Georgen, Frankfurt am Main.

³⁵*Schriften zur Theologie* XIV (Zurich, 1980), 450–466.