

Tentatio August 2002 - The Culture of Death

Although physician assisted suicide and euthanasia captured the headlines for years under the showmanship of Jack Kevorkian, the history of our cultural preoccupation with death was launched much earlier with the legalization of abortion in 1973 and followed by the practice of infanticide publicized with the Bloomington, Indiana landmark case of Baby Doe in 1982. Derek Humphrey, President of the Hemlock Society, published the best seller *Final Exit*, designed to teach those seeking death how to commit suicide on their own terms. It remained on the New York Times best seller list for months. Our pre-9/11 culture of death was further enlarged with the legalization of physician assisted suicide in Oregon in 1998. On the cover of Time magazine, September 2000, the lead article, "Dying On Our Own Terms" greeted the reader. And as recent as the summer of 2001, newspapers carried news of the debate over the issue of whether to kill or not to kill human embryos for the purpose of stem cell research.

A turn in the road has been taken leading away from medicine and research governed by the ethics of the Hippocratic Oath for some time now. In the wake of the Supreme Court decision to permit abortion, medical schools in the 1970's began to alter, then replace, and finally to fossilize the Hippocratic Oath so that it has become, for many medical schools, merely a bow to ancient custom rather than an oath to which graduates seriously swear allegiance. The words which intended to once and for all put an end to abortion, infanticide, and euthanasia are now history and they were clear words that read,

I will use treatment to help the sick according to my ability and judgment, but never with a view to injury and wrongdoing. Neither will I administer a poison to anybody when asked to do so, nor will I suggest such a course. Similarly, I will not give a woman a pessary to cause abortion .
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But Hippocratic medicine has been replaced by the ethics of the American Medical Association, Code of Ethics. The AMA Code says of itself,

The AMA's Code of Ethics today is a constantly evolving document that serves as a contract between physicians and their patients. Responding to current trends, the code is developing new boundaries for the business of medicine.

Some interesting speculations arise from this statement. First, that the standard of behavior cited by the AMA Code of Ethics should change according to "current trends" makes one wonder whether medicine is expected to abide by the Code or whether the Code is to abide by the

behavior of medical practitioners. If the Code is a standard to live by it seems a strange matter to revise the Code to conform to the behavior which is obviously beyond the limits set by the Code itself. The implication is that the ethics which govern the AMA Code must keep pace with progress. How interesting that the deletion of moral consideration and changing behavior in medicine should be thought of as progress.

What is this obsession with death that both frightens and intrigues a generation to push the limits of moral concern to accomplish the death of the unborn, the newly born, those confronted with illness or disability, and the helpless elderly? What is it in our culture at this time in history that compels us to return again and again, like a dog to its vomit, as the Epistle of St. Peter so eloquently puts it, to the theme of death "on our own terms?" A few years ago, special interest groups pressing for the right to die came before the Supreme Court of the United States to find support for their cause. Much to the surprise of both sides in the issue the Court declared there is no "right to die" guaranteed by our Constitution. We are only guaranteed the "right to life." Many wished the Court had said this in 1973 in *Roe vs Wade*. This recent decision permits states to prohibit the practice of physician assisted suicide and euthanasia. Unfortunately, the courts did not prohibit states from permitting it. We are, as a culture, preoccupied with the attraction of death on our own terms. We know as Christians that the attraction to death is natural to sinful human nature. But why now, at this time, in this way, in our culture? And where is the voice of the Church in such times when only the bioethicist seems to be speak with authority in matters of life and death?

Many in the Lutheran Church - Missouri Synod have only, with reluctance, joined in support of efforts like Lutherans for Life. It is my contention that pastors have hesitated to address these controversial moral issues for at least two reasons: they are either ambivalent about the issues themselves or they are reluctant to offend parishioners who may have participated in or may be sympathetic to "death on our own terms."

My own participation and voice in bioethics came slowly toward the recognition of that which is at stake in the issues raised by the culture of death. When I first began ministry as a hospital chaplain in 1974, a year after *Roe Vs Wade*, I spent Friday afternoons making rounds on young college women admitted to the hospital for weekend elective abortions. These young women were filled both with regret and with resolve. Many felt compelled by parents or boy friend to go against their own inclination to preserve the life within them. At the time I addressed their regret with compassion, but did little to address their resolve in a way that prevented it from being carried out.

In 1982 I was called upon by a physician to give my blessing to his intention to mercifully kill a patient. I was not successful in opposing it, but was finally able to stand my ground in speaking against it. At the time I turned to other chaplains in neighboring hospitals for support, but all were reluctant to discuss, much less speak, about the issue. They claimed they had little knowledge of ethics as a philosophical discipline, and pleaded ignorance about to what to say or do. This was not unlike many Lutheran parish pastors at the time who viewed pro-life Lutheran activities with something less than serious concern. Perhaps this is why lay movements, such as Lutherans for Life, stepped in to fill the gap left by the absence of a collective pastoral voice in biomedical ethics.

It is understandable that as Lutherans becoming involved in pro-life matters we might shy away from the moralism characteristic of Fundamentalism in dealing with these issues. We are rightly concerned with not neglecting Gospel preaching as our central message. And yet, it is in the misguided rhetoric of moral issues that the Gospel needs to be heard. The Gospel set people free from their own moralistic self-determination and lifts them out of themselves to Christ. Surely we dare not fall into mere moralism in ethics, but ethics need not be merely moralism. The uniqueness we bring to ethics, as Lutherans, is that ethics is about both Law and Gospel. Biomedical opportunities cry out for theological input and a Gospel message. If C. S. Lewis, author of *The Chronicles of Narnia*, could say that he found it possible to smuggle theology into children's stories that might not otherwise getting a hearing, so it is that biomedical research and decision making can be an opportunity to smuggle theology into the lives of those, both physicians and patients, dying for lack of it. We need not think of ethics as merely about Law. The Law cannot address the underlying condition that assaults us with the temptation of "dying on our own terms."

What Lutheran thing shall we say then in response in bioethics? A Lutheran response is always one of Law and Gospel. Law addresses the outward behavior of a man and the Gospel addresses the inner heart of a man. Law is necessary to constrain the weak from outward sin, but it is the Gospel and Gospel alone that reconciles and renews, transforming human lives to see the world rightly in the light of the New Creation in Christ. Perhaps I can illustrate this with an analogy from marriage: my own marriage. If my wife and I have had an argument over some trivial thing (as sometimes happens) we may say things to one another that we regret and need to confess to each other as sin. When we do, and when forgiveness is shared between us, there is something new that happens in that relationship at that very moment. Reconciled, we are closer than we were even before the argument. Reconciliation changes our lives. Our reconciliation with God proclaimed in the Gospel changes us so that we see things differently than we did before. So it is with the effect of Gospel proclamation in medical ethics. It changes the heart of the forgiven to see things from our Lord's perspective rather than that of our own expediency, rather than "on our own terms." Let me illustrate with regard to the choice between life and death in treatment decision making.

A sixty-two year old woman lies in the intensive care unit of a community hospital with injuries from a beating she has received in an argument with her husband. This is not the first time she has come to the hospital for emergency treatment for the same reason. In the course of the attack she suffered a ruptured kidney and has undergone surgery for its removal. In the days following surgery it becomes clear to others that she is filled with anger toward her husband. But she is unable to admit to herself that she is angry because she is afraid of her own anger. She fears that if she expresses her anger toward her husband he will leave her. And more than fear of being beaten is her fear of being abandoned. So she keeps her anger hidden deep inside her. But it comes out in other ways. It comes out in her decision to refuse dialysis which is necessary to support her remaining kidney. Without dialysis she will eventually experience kidney failure and die. Her decision, complicated by her anger, is aimed at her own destruction. It is easier for her to die than to face her own anger and her fear of abandonment. There is no Law of man or God that can *prevent* her from making the decision to refuse treatment, and it is a decision to die. What the Law of God says she ought not do, the Law of God cannot prevent her from doing, but the Gospel can!

Let us call this patient Anna. What Anna needs is spiritual care, the cure of the soul. She needs to be helped to admit and confess to herself and to God the anger she has toward her husband. She needs to be helped to lay out her anger before God so that God can heal the direction of her self-destruction. And she needs most of all to experience God's forgiveness for her self-willed destruction in wanting to aim at her death. Finally, at some point, she needs to learn to forgive her husband, . . . which is not to say that that is the end of the matter for their relationship. There needs to be pastoral counseling for both husband and wife to find healing for body and soul. The Gospel will do this and will finally enable this couple to make decisions that are faithful to their relationship with God and not in obedience to their own self-destruction.

From the beginning, the heart of man has known the meaning of death as "the power of darkness" at work to turn us away from God and into ourselves. Luther defined sin as being "turned in on ourselves" by which he means we tend to follow our own human nature rather than God. This "turning inward" for reliance on self-determination finally ends in choosing death. We are, by nature, inclined to listen to our own thoughts rather than to the thoughts of God. This too is the "power of death" at work in us, cutting us off from God. Once cut off from God and turned in on ourselves, we talk to *ourselves* about death and we tell ourselves that death is a *friend*, in some cases, a *solution* to our problems of suffering and we turn in sympathy to physician assisted suicide and euthanasia.

As we all now know, the state of Oregon has chosen death as a solution to the problem of suffering, having legalized physician assisted suicide. It was a great sorrow for me to hear a pastor from Oregon tell why he thought Oregon decided to legalize physician assisted suicide. He claims that the people of Oregon were initially against its legalization, but as pressure grew from out-of-state sources to ban physician assisted suicide, there was a backlash. He said that Oregonians, being the fiercely independent people they are, chose to legalize assisted suicide as a way of sending a message to outsiders that Oregonians will not be told by anyone what to do. He claims it was the fierce independence of a people and not the strong desire for physician assisted suicide that caused the tide to turn, the *power of death* at work in sinful pride. If he is right in his evaluation then we are all in jeopardy, for we are all, under the right circumstances, fiercely independent sinful human beings. If he is right, then the power of death as the power of hell has shown itself in this state's action.

Without the victory of Christ over the powers of death and hell, the fear of suffering and death tempts and cajoles us into taking charge of our dying. *We*, and not God, become the ones to have the final say and control over it, . . . telling God when and how death shall come upon us. This is the ultimate rebellion against God and the pitiful attempt of human beings to manage the demonic *powers of death*. And let there be no mistake about it, even for Christians there is the temptation that incites us to assert our independence from God. Daily repentance does not come easy.

As Lutheran Christians we learned about Law and Gospel in Confirmation Class. We learned that the Law serves two functions, some say three. The first function of the Law is to *curb* sin in the world. It is possible to legislate morality, at least to discourage trends toward certain behaviors. We can discourage the legalization of physician-assisted suicide and euthanasia because in many people's thinking, what becomes legal is therefore moral. The Law, even as

civil law, functions as God's way to control the outbreak of sinful behavior in society. There is built into us the Law as a moral sense that there are limits God has placed upon us as human beings for our protection from each other and from ourselves. The Law as curb attempts to control outward behavior. It does not change the heart so that we think differently, but the Law does cause us to hesitate in taking human life into our own hands. The Law tells us what we must not do. "We must not kill."

The second function of the Law in biblical teaching is the function of the Law as a *mirror*. When we look at the Law of God, such as the Ten Commandments, the Law becomes the standard by which we as individuals measure ourselves. And when honest with ourselves we must admit that we have not kept the whole Law of God. The function of the Law as mirroring our sins back to us is good for the Christian for it causes us to confess our sins and to be prepared to receive the Gospel of Christ's forgiveness. "The Law was given to increase sin," Paul writes. He means that the Law shows us what is down inside us that needs to be cleansed. The Law as mirror is important not only in examining our sinful motives in life and death decision making, but also important for examining whether we have sinned in the life and death decisions we have made for others. Forgiveness *always* follows a repentant heart.

The third function of the Law has been a controversial one all the way back to the time of Luther. It is the function of the Law as a *guide* for the Christian life. Luther himself did not like speaking of the Law as a guide for Christian living because he feared that we would build our lives around Law and not the Gospel. Nevertheless in our Lutheran Confessions, it is stated that the Law may indeed function as a *guide* for the Christian life. It is said that we cannot always know the will of God, and that the Law is needed to reveal the ways of God to us in a way that neither the Law as *curb* nor *mirror* can do. The Law of God can *educate* us in the ways of God but, acknowledging Luther's concerns, the Confessions are quick to emphasize that the Law as *guide* cannot motivate a change the heart. It can only tell us what we ought to do. It is only the Gospel that can change attitudes and sanctify the heart.

And so the bottom line is that the Law at best can only control outward behavior and cannot change the heart and secondly the Law always ends up accusing us of sin now matter how well it works to *curb*, *mirror* or *guide* us in this life. Let us look at the place of Gospel. How are we to live ethically as people of the Gospel? As Christians we do not concern ourselves only with what to do or not do (that is, with Law), but rather we keep our eyes on what God has done, proclaimed among us as Gospel. Ethics for the Christian is primarily about Gospel, not primarily about Law, primarily about what God has done and continues to do, not primarily about what we do. The Christian's ethic is to live by faith in Christ even as Christ lives in us. Our ethic is to repent daily and believe the Gospel of Christ's forgiveness and promise of the Holy Spirit to bring all things to our remembrance in Christ. Another way to put it is, if *Sin* is the underlying condition of all human nature and *sins* are the thoughts, words, and deeds we commit as signs of that condition, then the Gospel is the power that addresses Sin while the Law is the lesser power that addresses sins through principles and guidelines offer by bioethicists.

The promise is sure: through baptism God makes us his holy people. In the Lord's Supper God feeds his holy people with the holy food of heaven for life on earth. God's promise has been fulfilled--"I will be gracious to whom I will be gracious, and will show mercy on whom I will

show mercy.” Ethics for Christians is about the death of Jesus on the cross that transforms our lives, and it is the Holy Spirit who makes applicable in us Jesus’ death for our holy living. We are then, as Christians, holy people who live holy lives.

Paul writes,

What shall we say then? Are we to continue in sin that grace may abound? By no means! How can we who died to sin still live in it? Do you not know that all of us who have been baptized into Christ Jesus were baptized into his death? We were buried with him therefore by baptism into death, so that as Christ was raised by the glory of the Father, we too might walk in newness of life.[1]

How does this new ethic work? Isn’t there anything that we must do? Yes, “The righteous shall live by his faith.” Faith trusts in Jesus Christ when faced with ethical dilemmas. Faith is not passive, going with the flow, as New Age passivity invites us to consider. Faith faces and wrestles with the incongruities of living between the realities of what God as our Creator intends and what life in a fallen world has become. Living by faith is not easy. We do not hide from the pain and suffering of this world, erasing pain and suffering by erasing the people in whom we find it. It is difficult to live by faith; to see the problem so clearly and yet, perhaps, do nothing but wait, letting God do or not do instead. It is more natural in a fallen world to attempt to grasp for control of life from the hands of God and to take charge and make things happen regardless of consequences. But that is the way of Adam and Eve’s Sin. Faith requires our helplessness at those times we wait for God to act, but this helplessness is not passive. In our helplessness we actively trust in God. At other times faith requires direct action and we speak the truth of what it is that sinful human nature proposes against God. From the beginning and in the end it is faith that enables God’s holy people to live holy lives.

At the root of the appeal of assisted suicide and euthanasia is the malady of our faithless response to the helplessness experienced in illness, disability and aging. It is not the helplessness itself that is evil, but rather, the action of taking matters into our own hands and causing the death of an innocent human being. To do so flies in the face of the Gospel:

Do you not know that you are God’s temple and that God’s Spirit dwells in you? If anyone destroys God’s temple, God will destroy him. For God’s temple is holy, and that temple you are.[2]

You are not your own; you were bought with a price. So glorify God in your body.[3]

The Gospel therefore addresses our Sin so that we Christians do not need to grasp at suicide or euthanasia. The Gospel is the good news that, although we are all helpless and without control over our lives before God, this is not bad. We need not fear either death or God. For God the Father has sent his Son Jesus Christ our Lord and fills us with his Holy Spirit so that whether we live or die we are the Lord's. He is the help and control we need and have received. It is a relief to know that we don't have to be in control of life. This comes as good news. We don't need to take matters into our own hands. God has taken matters into his own cross-imprinted hands and has freed us from the threat of death, the fear of judgment, and from hell itself. The Gospel of Jesus Christ is our ethic!

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[1]Rom 6:1-4.

[2]1 Cor 3:16-17.

[3]1 Cor 6:20.