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THE ENTITLEMENT TO LIFE

I

I approach the problem of the entitlement to life as a legal philosopher arguing for the view that this entitlement constitutes a natural right—"natural" in a sense which diverges from the classical notion of "natural" in the relevant context. I shall use the phrase "the entitlement to life" as equivalent to the phrase "the right to life", employing the word "right" in a wide sense accommodating entitlements claimed to exist outside that law with which the professional lawyer is concerned. It is possible, of course, to speak also of the entitlement to life in a broad sense of the word "life", which would embrace the life of non-human creatures. The problems which the right to life in this sense pose will not be examined here. I would like to remark only that our proper ethical attitude towards non-human creatures could be manifested in the form of duties in regard to them, above all in the form of the duty kindness to end their life in a merciful manner if their elimination is unavoidable for the sake of human existence.

Whatever the historical contributions to the solution of the problem of the right to life, this problem has to be posed anew in the contemporary scene. It seems that the right to life can no longer be asserted with pristine confidence even under systems of high ethics. In vulgar conceptions, there has always been some indifference to human life which has been reflected

in unrepented atrocities of public authorities or individual citizens. Under seemingly enlightened conceptions of those ethical systems which place great emphasis on individual happiness and social welfare, challenges to unqualified right to life can be expected. But even if it is assumed that man has a trans-human or supra-individual vocation and cosmic responsibility, its can be mooted that the entitlement to life has certain limits. The burning question is whether an unqualified right to life is compatible with the survival of mankind and with right love for fellow-men in contemporary, and especially in imminent future, conditions.

In the universe of legal discourse, the problem of the right to life arises above all as a problem of positive law. Assuming that positive law is determined only by the authority of human agents, who give rise to its in the form of legal enactment, customary law formation, or judicial precedent, we find different legal conceptions and attitudes to human life. The life of a foetus is not always considered as human life by legal systems, and so its destruction is not always treated as homicide. In many countries, the death penalty is still imposed on those who commit certain heinous crimes, but there are countries where this is no longer the case. Destruction of life not worth preserving has been tolerated (and practised) under positive laws; certain forms of infanticide have been treated as privileged crimes in some countries.

Examination of the right to life as a matter of positive law would lead to an inquiry into a particular legal order or into comparative law. This inquiry would be illuminating in various ways, and would also have significance for jurisprudence as providing an empirical basis for jurisprudential explorations. For present purposes, it would suffice to note the obvious fact that positive law does not establish an absolute right to life. It does take human life, both born and unborn, under its protection, above all by provisions of criminal law, but also in equity and in tort. This protection is, however, limited. Sometimes, notably in the form of capital punishment, it even imposes the duty to destroy human life.

The main topic of the present essay is the entitlement to life as a suprapositive right. As such, it can be postulated as a

moral right, and also as right under natural law. These alternatives raise the issue of legal positivism *versus* iusnaturalism. The exponents of the former trend of thought admit rights such as the one in question only as moral rights. The exponents of the latter trend of thought view them as legal rights - "legal" in an extended sense of the word "law" as compared with the professional usage of this word. For the present discussion, the above controversy is somewhat disturbing but of little practical significance. The same ethical aims can be achieved by the alternative approaches to the problem through different conceptual devices and through a different organisation of thought. An enlightened legal positivism and an enlightened iusnaturalism can coexist in a workable *modus vivendi*. Only benighted forms of extremism of the two trends of fundamental legal thought are condemned to perpetual quibbles and preposterous hostility.

II

The basis on which the entitlement to life, whether conceived as a moral right or as a supra-positive legal right, can be established is now to be considered. Two possible bases have proved popular in the history of ideas: the Divine will and the nature of facts. Both bases have held out the promise of eliminating human subjectivity, which has been feared to import arbitrariness. Let us suppose, for argument's sake, that either of these bases is solid. But in order to render the Divine will operative in the guidance of human conduct, man must somehow accept the authority of this will and, first of all, regard the alleged expressions of this will and their interpretations as tenable. All this involves value judgments, which inescapably involve endowment of values to objects of appraisal - that is, they involve human subjectivity. The same holds for the nature of facts as a basis of moral or supra-positive legal rights. Here facts have to be sorted out as to their value for man. This involves again value judgments and thus human subjectivity. The situation is, to put it briefly, that efforts to provide any trans-subjective or objective basis for any object of human concern are vain without the intervention of subjective performances of the human mind

Thus it is better to acquiesce in this ineluctable state of affairs, which may seem tragical to some, and see whether and how it would be possible for man to live and thrive in this rather precarious ontological situation. We seem to have to acknowledge that statements of fact and value judgments are not reducible to each other. Both are inextricably involved in man's entanglement in the world. Cognition and conation accompany man in whatever he tries to do or not to do. A purely cognitive approach to problems such as the affirmation or denial of a moral or supra-positive legal right to life leads nowhere. The hope in this enterprise lies in an interrelation of cognitive and non-cognitive approaches. For it is obvious that without knowing the relevant facts, proper evaluation cannot be made. It should also be clear from what has been said above that any statement about the right to life involves a value judgment resulting from conative acts by which relevant facts are endowed with values. This being so, it would be wrong to see rationality residing only in cognition. Conation, too, must have its rationality. The rationality in *its* area may not be so transparent as the rationality in the area of cognition, because the criteria for the substantiation of value judgments are less settled and more diverse and intractable than the criteria for the substantiation of statements of fact.

Another way of refuting the purely cognitivist approach to the foundation of entities such as rights is to say that an "Ought" cannot be derived from an "Is". The meaning of this somewhat delphic saying can be spelt out as follows for the present purpose: A right, like a duty, is stipulated by a norm, whose standard form contains the modal verb "ought". The standard form of a statement of fact contains the auxiliary verb "is" (or a grammatical variant of it). To say that an "Ought" cannot be derived from an "Is" is a veiled way of saying that from mere statements of fact no norms can be derived. It is possible, of course, to quibble about the tenability of this assertion if a rather loose meaning is given to the word "derivation". In the strict sense of logic, the matter is settled. Under an elementary principle of logic, a conclusion cannot contain any elements other than those which are present in its derivation basis (i.e. in its premiss or premisses). If an "ought"-element is

absent in a statement, as it is supposed to be in a pure statement of fact, this element cannot appear in any conclusion derived from this statement or from a complex of statements of the same kind.

III

Since value judgments are inextricably involved in the establishment of right such as the entitlement to life, it is to be considered how their rationality can be assured. Rationality in the area of conation involves what has been called "practical reason" in contrast to rationality in the area of cognition, which involves what has been called "theoretical reason". The latter relates to sound knowledge whereas the former relates to sound attitudes and action. Both theoretical and practical reason are displayed under the guidance of rules - the criteria of truth in the former area, the criteria of justice, beauty, expedience, etc. in the latter area. The process of substantiation in which by recourse to the criteria of truth it is established that a statement of fact is tenable is called "verification", whereas the process of substantiation in which by recourse to criteria of justice, beauty, etc. it is established that a value judgment or a norm is tenable, is called "vindication". The area of vindication in which recourse is made to those value criteria that relate to attitudes or actions may be called "justification". Since the present problem of the entitlement to life belongs to this area, it is justification which calls for attention here.

In vindication in general, and in justification in particular, the rationality, well-foundedness, tenability, or soundness of value judgments or norms is achieved through argumentation, which is a form of paraductive (or "rhetorical") reasoning. In the total context of an argumentation, deductive, reductive (divided into inductive and abductive), and eductive (or analogical) reasoning may also be encountered in particular steps of argumentation. However, the decisive contribution is made to it by paraductive reasoning, a procedure that does not fit into any of these categories of reasoning, which all seek to establish the "objectivity" (in a stronger or weaker sense) of conclusions. Paraductive reasoning strives for insightful assent

to be given to conclusions in the range of reasoners competent in the field to which the value judgments or norms at issue belong. Thus paraductive reasoning seeks to establish intersubjectivity rather than objectivity. Like all other above-mentioned categories of reasoning, paraductive reasoning, too, is a rule-governed and rule-guided procedure.

The purpose of the rules under which paraductive reasoning takes place is to assure that the reasoning performed for the achievement of insightful assent is carried out in a detached, composed, and alert frame of mind; that open-mindedness and unadulterated spirit of inquiry sustains it; and that the occurrence of reasoning is disciplined so that exuberance of arguments, irrelevant arguments, and an erratic course of arguments is avoided. Paraductive reasoning centers around the so-called *tópoi*, which represent views or attitudes conveyed in maxims, tenets, canons, adages and the like, formed as a result of common experience gathered in the relevant area. *Tópoi* are characterised by a certain indeterminacy. Thus they can be likened to "places" (which is the literal English equivalent to this word of Greek origin) - they are places in which specific arguments pertinent to the case at issue can be found. Thoughts expressed in them operate also as pointers, indicators of direction, or "roadsigns" to what is important for the discovery of good reasons applicable to the instant case.

Because the universe of discourse of paraductive reasoning is permanently open, the *tópoi* do not behave like premisses from which stringent conclusions can be drawn and because the relevant arguments is perpetually an ongoing process, paraductive reasoning leads only to cogent results for the time being. The cogency of the results depends on how well the rules governing and guiding it were observed in the given argumentative situation and on the cumulative effect of the *tópoi* applicable to the case at hand. The insightful assent achieved through a successful process of paraductive reasoning is reflected in a readiness of approval, in a sentiment of self-evidence, expressed by "of course" or "naturally", referring to the value judgment or norm at issue. In this sense of the expression "naturally", it is possible to speak of natural rights in connection with the

entitlement to life and, correspondingly, of natural morals and of natural law.

IV

After the preliminaries attended to in the previous sections, the problem of the entitlement to life can now be addressed as one of a natural right. Since the establishment of such a right requires recourse to paraductive reasoning, its principles have to be observed in any deliberation regarding that right. This deliberation characteristically assumes the form of a controversy in which the participants in the reasoning start from opposed points of view and invoke *tópoi* to opposite effect. The spirit of controversy need not frustrate the achievement of insightful assent; on the contrary, it may inspire it provided that the reasoners prove capable of being governed and guided by its rules in their argumentative encounters.

Any intransigence arising from intellectual commitments, political or religious passions, or from sheer obstinacy is incompatible with the spirit of paraductive reasoning. Intransigent attitudes in encounters concerning the entitlement to life are to be expected and actually are of frequent occurrence. The reasoning of a committed reasoner has only a limited latitude because of the constricting effect of undaunted political, religious, or other convictions bearing on the controversy. Nevertheless, his participation need not prejudice deliberations. On the contrary, it may provide them with valuable contributions by bringing out and putting into play relevant aspects with which the persons concerned are intimately acquainted and which otherwise are likely to remain hidden or blurred and thus are liable to be overlooked. To be a committed reasoner does not necessarily entail subscription to unsound value judgments or norms. It means only that the process of their justification cannot occur as a fully rational process representing a display of *practical reason*, which requires not only enlightened but also consistent attitudes. To be benighted on an issue because of previous commitments tends to lead to taking resolute and rigid stances whose surface attractiveness conceals their incompatibility with other resolutely and rigidly held stances of

the same reasoner. Therefore the range of reasoners required for an auspicious process of paradaptive reasoning must include uncommitted reasoners, that is, those who are prepared to forsake everything that they have previously accepted, believed in, or subscribed to.

Insofar as political aspects are involved in reasoning relating to the entitlement to life, the reasoner whose insightful ardent would properly count must be, politically a confirmed "revisionist", that is, perpetually prepared to revise and overhaul any political views he may have held. This does not mean that he must cease to be a member of any party to which he may have belonged. On the contrary, any political party would benefit from members with the "revisionist" spirit -it is precisely these members who can greatly contribute to the youthfulness of the party, to the animation of its inner life, and to its outward respectability. Insofar as religious aspects are involved in reasoning on the topic of the entitlement to life the reasoner whose insightful ardent would properly count must be a potential religious reformist, that is, perpetually prepared to refine and overhaul the religious understandings underwhich he has been reared. Here again, this does not mean that he must become a rebel or an outcast from the religious organisation to which he may have belonged. On the contrary, any religious organisation would benefit from members having the "reformist" spirit rationally displayed in the spirit of responsibility. It is not necessary that a religious "reformist" should become a Martin Luther; he may very well be a St. Thomas Aquinas or a Pope John XXIII.

The deliberation of a problem such as that of the entitlement to life is liable to fan not only political and religious passions but also to create apprehensions and anxieties in various people who would be able to make valuable contributions to reasoning about it because of their particular experiences or entanglements in the relevant situations. Thus a woman made pregnant by rape or a girl of a good family who became pregnant in an unfortunate love affair and is on the way to becoming a mother of an illegitimate child can make contributions to reasoning about abortion, social welfare, and adoption. An invalid whose ailment makes his life a burden to other people and even to himself, and whose upkeep and nursing drains the

resources of the community, can make contributions to reasoning about the destruction of life not worth preserving. But neither of them would qualify as those whose assent to the value judgments or norms emerging from the deliberation on this topic as a problem of legal or social action would count more than an opinion of any judge in his own cause, because none of them can be deemed to have requisite detachment in the paralogical reasoning on an issue deeply affecting his or her own life.

Any reasoning on a problem such as the entitlement to life must take place in a *community* of reasoners, and thus a single reasoner can act here only as a member of this community, unless his task is to record the whole of a relevant deliberation and form a conclusion as to the solution of the problem on the basis of this record. Such an effort would require tomes of scholarly writing. In the present context I can manage only to state briefly my tentative attitudes and views on the matters in question. It would be impossible here to go fully into the wealth of arguments and counter-arguments on the points at issue.

V

Before various issues concerning the entitlement to life can be discussed, it is necessary to answer the question "What is human life?". It may be thought that this question is capable of a definite answer by taking into account certain biological facts. It proves, however, that this is not so. There seem to be certain biologically determined outer boundaries within which a life *may* still be considered as human life and certain so determined inner boundaries within which a life *must* be considered as human life. Within the outer boundaries, it is possible to provide various satisfactory conceptual delimitations of human life. One ultimate outer boundary of human life is constituted by the fertilisation of the ovum of a woman. Before that event, there is still life, of course, but not human life—the unfertilised ovum and the sperm of a man which has not yet penetrated this ovum are simply *parts* of living individual organisms, which parts are subject to periodical spontaneous or artificial destructions, as are any individual cells or parts of a tissue. The other

ultimate boundary of human life lies in the biological death of a human being. The exact time of the occurrence of biological death is somewhat indeterminate and unsettled depending on extant medical knowledge and skills. So biological death can be said to be that state of human body in which its principal organs have ceased to function and in which by the existing means of medical attention these cannot be brought back to their functioning.

The inner boundaries within which a life must be considered to be an instance of human life are, on the one hand, the event of birth in the sense of full separation of a living human organism from its mother's body and, on the other hand, the cessation of breathing, heartbeat, and ascertainable activity of the brain. Even within the inner boundaries, it is controversial whether human monsters, idiots with intellectual capacities that do not reach even the level of lower animals, and purely "vegetative" human existences resulting from brain lesions should be regarded as instances of human life. The fact that they all were begotten by and born from humans is a rather slender argument. Since differences of degree are involved in the divergences from the expected normal standards and difficulties exist in drawing convincing limits, I consider it advisable to include the life of all these creatures still within the denotation of the concept of human life. This view agrees with a virtually universal consensus manifested in religious, moral, as well as popular convictions reflected also in law. Their inclusion within the range of human beings does not settle the problem of their treatment. It is quite conceivable to make out a good case for ending their life by letting their existence lapse as natural causes take effect or even intervening actively in some extreme situations such as those in which a *coup de grâce* appears to be the only available humane way of action.

There is a rather insignificant time span between the state of organism in which it can no longer be brought back to the functioning of its organs and the state in which breathing, heartbeat, and ascertainable brain activity has ceased. Therefore the former, importing a more generous view of the range of human life, recommends itself for determining the termination of human life. It is more difficult to decide whether the event of

conception or the event of birth should be adopted as the beginning of human life. Just before a normal birth, a foetus is quite similar to a newborn baby, and can be converted into one at any time by appropriate medical intervention. The main difference between them is that after the birth the child draws oxygen directly from the air and obtains food outside the mother's bloodstream. Both are capable of experiencing pain. The similarity between the born and unborn child vanishes gradually in the direction of the event of conception, being still present in unexpectedly early stages of pregnancy. On the other hand, a newborn baby is still far from possessing mental assets (such as reasoning) and liabilities (such as fear about future events) characterising human beings in their later stage of normal development. Possibly the mind of a newborn baby is not significantly more advanced than that of a foetus before the birth.

From the foregoing discussion it appears that the beginning of human life should definitely be set at the time of conception. Hence every act of destroying a life within the above drawn outer boundaries of human life is to be considered as an instance of homicide. There is, of course, a vast difference in the capacity of human beings to suffer through this act of destruction, even within the inner boundaries. The attitude of religion, morals, and law on this point is that the victim's capacity for suffering does not make any difference in the condemnation of homicide. Thus killing instantaneously a "human vegetable", an unconscious man, or a unsuspecting child is still regarded as constituting homicide. Therefore it would be consistent with the general attitude of these most important normative systems to treat a life as a human life starting from its biological inception, that is, from the event of conception.

Even though destruction of life within these boundaries is to be regarded as homicide, the relevant normative systems generally make distinctions between culpable and non-culpable, justified and unjustified homicide. All that can be asserted with confidence is that there ought to be accepted as a general presumption that within the outer boundaries of human life the destruction of this life ought to be condemned. This presumption is, however, rebuttable on certain grounds, which will be examined in the following section. It remains still to be consi-

dered whether the object of the right to life can be extended still further so that it would relate also to potential lives of human beings even before the event of conception. This extension seems to be unwarranted. What is involved in such an extension may constitute another great problem of human existence, but one which should appear in the form of the concept of the right to procreation. There is, of course, an intimate link between the entitlement to life and the entitlement to procreation, but the exigencies prevailing in the two areas may be to the opposite effect so that procreation affects adversely existing human lives and preservation of and care for existing human lives requires limitation of procreation.

VI

Man's placing the value of his life above all other forms of life may be nothing but cosmic arrogance, however, this attitude is understandable as a natural self-appreciation of a species by its members. We notice the same thing even among lower animals. The biological roots of the notion of the sanctity of human life, which in its turn forms a basis for the right to life, can be seen in man's urge to live, to propagate his kind, and to take care of his progeny. The psychological roots of the same notion lie in man's self-pity, in his compassion for his fellow man, and in his need for companionship. However, the life-urge (Eros) is not all-prevailing. It is matched with an urge to destroy not only other men but even with men's latent urge to destroy themselves (Thanatos). Hence it is no wonder that whilst the sanctity of human life is widely preached, it is not so widely practised, not even fully believed in. Destruction of enemies in war is ardently desired by many and various forms of homicide are regarded as excusable or justifiable in legal and moral systems. Besides, entertainment of death wishes towards competitors and other bothersome people is widespread; moreover, some people experience a genuine desire to destroy themselves.

At any rate, it seems that it would be going too far to say that the right to life imports also the duty to live. Such a duty can be asserted dogmatically on the basis of some religious con-

ceptions or established by legal norms. These norms may be conceived as establishing the duty to live by prohibiting suicide or forbidding mercy killing whatever its circumstances. It may be doubted whether these attitudes of religion or law are enlightened and compassionate; they appear to be open to challenge and require close scrutiny.

I submit that there is a good ground for asserting the right to life for everyone who wants to live. The reason for this view lies in the fact that the will to live is the most basic *conatus* of man and the most basic ground of his valuations. On the other hand, I submit that the right to life, as any right strictly so called, imports the competence of not making use of this right and thus those who do not want to live are to take their own life or allow it to be taken by others. There is a wide range of human beings who appear incapable either of willing or not willing to live (foetuses, "human vegetables", newborn babies, etc.). It seems proper to extend the right to life to them by imputing to them the will to live as human beings. In many such cases the actual will to live is emergent, for example, it emerges when a foetus develops into a normal child or when a brain lesion properly heals. Moreover, it is possible to gather from certain modes of instinctive behaviour of the above kind of human beings that they have the *conatus* directed to the preservation of their lives. Since the will to live in the cases in question has merely a putative character, it may be considered as a weaker foundation for the right to live than the foundation of this right of the persons who possess the conscious will to live.

Various conflict situations of individuals' right to life can occur, and their respective rights may so impinge on each other that it is natural to recognise that one of the conflicting rights would prevail. An obvious example is the situation of murderous attack. It is natural to hold that the attacked has the right to kill the attacker in legitimate self-defence if no other means for warding off the attack is available. Another such example is the situation in which a mother's life can be saved only by taking the life of the foetus. Such cases may have now become rare where modern medical services are available. Where they are not available, the situation is present in which it is natural

to hold that mother's right to life should prevail over that of the foetus.

This leads to the problem as to whether it is also natural to hold that the misery which the life of a human being may produce to others affects his right to life. I submit that the answer to this question should be "No". Misery is a relative concept lacking definite boundaries and thus invocation of misery produced to others would open wide the gates for abusing the right to end human lives. Thus social, economic, or psychological indications as grounds for abortion should not be admitted. However, under a basic principle of practical reason, whosoever campaigns against the laws permitting abortion on these grounds is committed to advocate the creation of conditions that would avoid or would reduce the misery which the birth of an unwanted child may bring to some mothers. His eloquence in his antiabortion campaign on the one hand and his silence about the attendant issues of human misery on the other would expose his conduct as a behaviour which is not governed by practical reason because of the inconsistency in his moral attitudes—it would found the suspicion that he is dishonest or morally blinkered. There are countries where population growth will inevitably produce further misery, which is already appalling. Abortion even in these countries appears to be a violation of the natural right to live. Abortion is a repulsive measure of population control and not the most efficient measure. The humane way of dealing with this problem is contraception. Where other methods of contraception prove impracticable or inefficient, even compulsory sterilisation is a more humane treatment of humans than abortion, because it does not involve destruction of *human* life.

I submit that there are occasions on which it is proper to assert a natural right to perform euthanasia; first of all, where death is seriously and persistently desired or pleaded by a patient suffering from a terminal illness or injury and is unmistakable experiencing relentless agony for whose alleviation no means is available. A case for this right can be made also when his great suffering is obvious but he is not capable of expressing his will to die. I further submit that there are occasions on which it is proper to assert a natural right to end "lives not

worth preserving". But this right becomes actual only in marginal situations of social or economic calamities or hardships, in which this destruction is necessary of the survival of the community.

The submission that there is a natural right to deprive other human beings of their lives in certain cases does not import that positive law must expressly recognise this right. For various psychological, social, and other reasons, positive law may choose to make concessions to this in indirect ways. Thus while prohibiting euthanasia by making it a crime, positive law may treat it as privileged crime which entails a relatively minor punishment. Positive law may abstain from treating abortion in the first month of pregnancy or abortion of deformed foetuses as a felony. It may give judges or juries the discretion to deal with the destruction of life not worth preserving as leniently as they deem prudent within generous limits of the applicable maximum and minimum penalty.

VII

The problem of the entitlement to life involves several great contemporary problems of human life which under separate headings such as "euthanasia", "abortion", and "population control" have each given rise to prolonged scholarly debates and public controversies. Their common content rests in the questions: "What is human life?" and "What are the limits of the inviolability of human life?". That human life is inviolable *in principle* is an assumption from which all positions in the relevant debates and controversies have proceeded.

Morals relevant to law cannot pay exclusive attention to the nature of acts as such but must heed the nature of consequences of acts. If the nature of acts as such were alone significant for law, law could not admit any destruction of human life at all since its very inception until its very end. It is clear that law cannot go to that extreme, because its task is not only to protect human life but also to provide for worthwhile and workable human convivium in the succession of generations.

Man's natural instincts are not in themselves a guide and guardian for human life that could be asserted as a value, not

even for the survival of mankind. Like rodents, men are liable to overbreed, to consume the natural resources indispensable for the existence of themselves and their progeny, and to be thus doomed to scarcity which would sustain human existence only on subhuman level and ultimately no human existence at all. In order to avoid this eventuality, which is already looming large as a real threat, the problem of right to life must resolutely be posed and acceptable solutions to this problem must resolutely be sought.

There is a danger that if any limits are admitted to the principle of inviolability of human life, it has a "wedge" or "corrosion" effect. In the present case this effect lies in an unintentional extension of the area in which the destruction of human life is admitted once the postulate of absolute inviolability of human life is abandoned. However, when the effect in question upon this principle is clearly seen, means can be found for controlling the effect, which, incidentally, is in operation wherever any liberalisation of moral principles is allowed.

The principal way of controlling the "wedge" or "corrosive" effect of abandoning absolute principles in the area of law and morals is by insisting that man at any stage, any step of his activities, must remain in charge of what he is doing and must be a responsible agent. As he cannot afford to be directed by dead hands from the grave, he cannot afford to shift his moral responsibilities to the great dead who in their times tried to formulate guiding ideas for the conditions of human life within their range of vision. As a moral agent, man must be retrospective as well as prospective, but above all he must be circumspective in his solicitude about his present concerns with human life.

An important control of the effect in question lies in the status of the principle of inviolability of human life as a strong presumption, which is to prevail wherever very strong arguments for diverging from it cannot be advanced. The ultimate control over the effect lies in the condominium of all basic principles of morals over whatever man is doing. Just as the ultimate legal controls lie in all relevant principles of the constitution of a State, which have to be taken conjointly into account to determine any lawful action of the organs or the citi-

zens of the State, any proper moral judgment is not simply a deduction from a single moral principle but a result of careful consideration of all those which are pertinent to the instant case.

A legal order in which the principle of inviolability of human life exists as a strong presumption is a basis for political order in which men can live without fear for their own life and for the lives of their near ones. Where liberal concessions are made to the pruning of community of their unwanted members, doubtful aesthetic gains for the humanity are counterweighed by ethical scruples which must be a heavy burden on the conscience of those who are allowed to live.