

DISCERNMENT IN THE NEONATAL CONTEXT

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[Confusion and doubt frequently encompass parental decisions for seriously ill newborns. The uncertainty that parents experience is due in part to the lack of a systematic process of decision making that they can engage in when making treatment decisions affecting life and death. The author suggests a new and more creative approach to decision making in the neonatal context, one that engages the Christian tradition of discernment, an approach that vastly improves on an ad hoc approach.]

BABY J WAS DELIVERED at 36 weeks and 4 days gestational age with a birth weight of 2638 grams. Delivery was relatively uncomplicated, though at birth Baby J was cyanotic (bluish color of skin from deficient oxygenation of the blood) and had severe tachycardia (increased heart rate) and tachypnea (increased respiratory rate). Baby J was immediately intubated and ventilated with 100 percent oxygen through bag and endotracheal tube. Apgar scores were 4 at one minute and 5 at five minutes. All of this was expected, however, as ultrasonography at 17 weeks revealed that Baby J suffered from hypoplastic left heart syndrome (HLHS).

HLHS consists of a series of cardiac defects including underdeveloped left heart chambers with aortic and mitral valve stenosis (narrowing) and atresia (blockage) and a small ascending aorta.¹ The condition is not associated with abnormalities of other organ systems. HLHS accounts for only 1 to 2 percent of all congenital heart defects, yet it is the most common defect that results in death during the first year of life in the U.S.² Without surgery the condition is fatal. The two surgical options for HLHS are reconstructive surgery and transplantation. While these surgical interventions are still considered experimental, recent studies show that infants who

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¹ *Stedman's Medical Dictionary*, 26th ed. (Baltimore: Williams & Wilkins, 1995) s.v. "syndrome, hypoplastic left heart."

² Richard F. Gillum, "Epidemiology of Congenital Heart Disease in the United States," *American Heart Journal* 127 (April 1994) 919-27.

undergo either reconstructive surgery or transplantation have a moderate chance at survival.³ Nevertheless, significant risks are associated with both surgical interventions, and mortality for HLHS remains high.

The uncertainty surrounding the management of HLHS contributes to the difficulty parents experience when deciding the most appropriate course of medical care for newborn infants suffering from the condition.⁴ In such situations, parents are compelled to ask themselves, "Should we allow our baby to die free of invasive medical interventions or should we consent to a burdensome surgery that *may* save our baby's life?" This was the question confronting the parents of Baby J.

The case of Baby J illustrates the complexity of treatment decisions for critically ill newborns. Not only are these decisions difficult from a medical-ethical standpoint given the uncertainty of neonatal medicine, but, more profoundly, from an emotional standpoint given the disappointment and sadness of parents.⁵ For months parents wait excitedly and anxiously for the birth of the new person whom they will be entrusted to love and support. They spend time visiting physicians, preparing the nursery, selecting names, and going to birthing classes. Most of the time parental hopes and dreams are realized as a healthy baby is born. Unfortunately, the hopes and dreams of parents are sometimes shattered as their baby is seriously ill, beset with a medical condition or constellation of conditions that endanger their newborn's life. In such cases, parents must comprehend and assimilate medical data supplied by the health care team into their own value assessments, and attempt to decide what is in their baby's overall best interests.⁶

³ See Edward L. Bove and Thomas R. Lloyd, "Staged Reconstruction for Hypoplastic Left Heart Syndrome: Contemporary Results," *Annals of Surgery* 224 (September 1996) 387-94; Jeffrey H. Kern et al., "Survival and Risk Factor Analysis for the Norwood Procedure for Hypoplastic Left Heart Syndrome," *American Journal of Cardiology* 80 (July 1997) 170-74; and Anees J. Razzouk et al., "Transplantation as a Primary Treatment for Hypoplastic Left Heart Syndrome: Intermediate-Term Results," *Annals of Thoracic Surgery* 62 (July 1996) 1-8.

⁴ For a discussion of the difficulties parents face in making treatment decisions for infants with HLHS, see John J. Paris, Michael D. Schreiber, and Maura A. Ryan, "Induced Early Delivery of a Fetus with Hypoplastic Left Heart: A Moral Choice When Neither Surgery Nor Abortion Is an Acceptable Option," *Journal of Perinatology* 17 (July-August 1997) 314-17. For a response to this article, see Michael R. Panicola, "Response to 'Induced Early Delivery of a Fetus with Hypoplastic Left Heart: A Moral Choice When Neither Surgery Nor Abortion Is an Acceptable Option,'" *Journal of Perinatology* 18 (July-August 1998) 332-33.

⁵ Several books address the medical-ethical aspects of neonatal medicine. Two of the more outstanding are Richard C. Sparks, *To Treat or Not to Treat: Bioethics and the Handicapped Newborn* (New York: Paulist, 1988); and Robert Weir, *Selective Nontreatment of Handicapped Newborns* (New York: Oxford University, 1984).

⁶ The assumption here is that parents in consultation with the health care team

Confusion and doubt frequently encompass parental decisions for critically ill newborns. The uncertainty that parents experience is due in part to the lack of a systematic process of decision making that they can engage in when making life-and-death treatment decisions. Currently, treatment decisions are made in an ad hoc, whatever-the-parents-and-providers-think-best manner.⁷ Ethicists and physicians have tried to provide some structure to neonatal decision making by developing ethical standards that delineate criteria from which decisions can be measured.⁸ These standards have indeed been helpful, but they too fall short of outlining a clear process of decision making. While some of the uncertainty that characterizes neonatal decision making cannot be avoided, the development of a systematic process of decision making can go a long way toward helping parents in consultation with providers identify salient issues and make careful and compassionate decisions in the neonatal context.

This article suggests a new, more creative approach to decision making in the neonatal context, one that engages the Christian tradition of discernment and vastly improves on an ad hoc approach. I develop this article in three major sections. The first considers the meaning of Christian discernment and its historical development. The second considers the process of Christian discernment and its three structural components. The third

ordinarily have decisional authority. Though some authors contest this point, an ethical and legal presumption of parental authority has emerged in the U.S.; see Hastings Center, "Imperiled Newborns," *Hastings Center Report* 17 (December 1987) 5-32, at 17; Earl E. Shelp, *Born to Die? Deciding the Fate of Critically Ill Newborns* (New York: Free Press, 1986) 50-76 and 177-201; and U.S. President's Commission for the Study of Ethical Problems on Medicine and Biomedical and Behavioral Research, "Seriously Ill Newborns," in *Deciding to Forego Life Sustaining Treatment: Ethical, Medical, and Legal Issues in Treatment Decisions* (Washington: U.S. Government Printing Office, 1983) 197-229.

⁷ Weir, *Selective Nontreatment of Handicapped Newborns* 188.

⁸ For a review of the more prominent ethical standards, see Raymond S. Duff and A. G. M. Campbell, "Moral and Ethical Dilemmas in the Special Care Nursery," *New England Journal of Medicine* 289 (25 October 1973) 890-94; H. Tristram Engelhardt, Jr., *The Foundations of Bioethics*, 2nd ed. (New York: Oxford University, 1996); John C. Fletcher, "Choices of Life and Death in the Care of Defective Newborns," in *Social Responsibility: Journalism, Law, and Medicine*, ed. Louis W. Hodges (Lexington, Va.: Washington and Lee University, 1975) 62-78; Helga Kuhse and Peter Singer, *Should the Baby Live: The Problem of Handicapped Infants* (New York: Oxford University, 1985); Richard A. McCormick, "To Save or Let Die: The Dilemma of Modern Medicine," *Journal of the American Medical Association* 229 (8 July 1974) 172-76; Paul Ramsey, *Ethics at the Edges of Life: Medical and Legal Intersections* (New Haven: Yale University, 1978); Sparks, *To Treat or Not to Treat*; Anthony Shaw, "Defining the Quality of Life: A Formula Without Numbers," *Hastings Center Report* 7 (October 1977) 11; and Weir, *Selective Nontreatment of Handicapped Newborns*.

outlines a modified process of Christian discernment that parents, in consultation with providers, can work through in systematically making treatment decisions for critically ill newborns. I limit my examination only to the Christian notion of discernment; notions of discernment in other religious and nonreligious traditions lie beyond the scope of this article.

FOUNDATIONAL ASPECTS OF CHRISTIAN DISCERNMENT

Moral living requires discernment. Human persons cannot escape this simple reality. The practical moral question of what we ought to do requires that we discern what we ought to do. When high school students set out to determine what college to attend, when young lovers attempt to decide whether to marry, when terminally ill persons consider the benefits and burdens of medical treatment, they engage in discernment. Though discernment may not always take place on the conscious level, it nonetheless occurs whenever moral agents seek to respond to persons and events as they are encountered in present circumstances. Discernment is a fundamental dimension of the moral life.⁹ Yet, in what does discernment consist?

Meaning of Christian Discernment

The word "discernment" is used frequently in common parlance. Teachers say to students, "Your reaction to the issue constitutes a discerning response." Counselors say to clients, "Your choice in that matter suggests a discerning moral decision." Critics say to authors, "Your analysis of the situation indicates a discerning mind." When used in such ways, discernment means more than simply noticing or seeing something. It means transcending the descriptive dimension of concrete reality and engaging in qualitative and value-laden assessments.¹⁰ Discerning persons perceive the subtle nuances and complexity of situations; they demonstrate imaginative capacity in integrating information and formulating responses; they discriminate between available alternatives; they maintain flexibility and sen-

⁹ For a discussion of the central role discernment plays in moral decision making, see James M. Gustafson, *Ethics from a Theocentric Perspective 1: Theology and Ethics* (Chicago: University of Chicago, 1981) 327–42; and Mark O'Keefe, *Becoming Good, Becoming Holy* (New York: Paulist, 1995) 125.

¹⁰ For an analysis of the descriptive and qualitative dimensions of morality, see William Aiken, "The Quality of Life," *Applied Philosophy* 1 (Spring 1982) 26–36; Warren T. Reich, "Quality of Life and Defective Newborn Children: An Ethical Analysis," in *Decision Making and the Defective Newborn: Proceedings of a Conference on Spina Bifida and Ethics*, ed. Chester A. Swinyard (Springfield, Ill.: Charles C. Thomas, 1978) 489–511; and James J. Walter, "The Meaning and Validity of Quality of Life Judgments in Contemporary Roman Catholic Medical Ethics," *Louvain Studies* 13 (Fall 1988) 195–208.

sitivity in practical matters.¹¹ Discernment generally refers to the skill of perceiving and differentiating degrees of value between diverse factors when making moral judgments.

Discernment takes on a somewhat different meaning in the Christian context. The principal objective of the Christian moral life is to respond faithfully to the initiative of God's offer of love and call to be loving. Christian discernment is the unique process that enables us to differentiate among possible options and to arrive at the most loving moral response in concrete historical situations.¹² Discernment brings together spirituality and morality in helping us hear God's word and discern God's will.¹³ The process of discernment in Christianity involves listening attentively to the inner stirrings or "spirits" that arise within us, and consulting extensively objective constraints and the accumulated wisdom of others as we are faced with an impending moral decision. Discernment is a spiritual exercise whereby we contemplate subjective movements or spirits, and a moral exercise whereby we consider reasonable choices, likely consequences, prior experiences, and other morally relevant factors.¹⁴

Christian discernment is as much about discerning what God is calling us to become as it is about what God is calling us to do. In this sense discernment seeks to get at the heart of our fundamental relationship with God

¹¹ For a discussion of the characteristic features of discerning persons, see James M. Gustafson, "Moral Discernment in the Christian Life," in *Theology and Christian Ethics* (Philadelphia: Pilgrim, 1974) 99–119, at 101–9. This article first appeared in *Norm and Context in Christian Ethics*, ed. Gene Outka and Paul Ramsey (New York: Charles Scribner's Sons, 1968) 17–36.

¹² Richard M. Gula, *Reason Informed by Faith: Foundations of Catholic Morality* (New York: Paulist, 1989) 315.

¹³ Though definitions of Christian discernment vary from author to author, the focal point is always hearing the word of God and discerning the will of God; see, for example, Thomas Green, *Weeds Among the Wheat* (Notre Dame: Ave Maria, 1984); and Ernest Larkin, *Silent Presence: Discernment as Process and Problem* (Denville, N.J.: Dimension Books, 1981).

¹⁴ Recently, theologians have debated whether it is necessary to distinguish between "discernment of spirits" and "discernment of God's will." The reason for this is the division between spirituality and morality. Theologians who make the distinction claim that the discernment of spirits is an important part of moral decision making but does not necessarily yield knowledge of God's will. For this, they assert, additional examination of the morally relevant factors of a situation is required. Thus, they argue, Christian discernment, understood as discerning God's will in concrete historical situations, involves looking within (listening to inner spirits) and looking without (examining contextual features). This is a fine distinction to draw but it is not compelling. Christian tradition has always recognized the spiritual and moral aspects of discernment. For a discussion of this distinction, see O'Keefe, *Becoming Good, Becoming Holy* 127; and Jules Toner, *A Commentary on Saint Ignatius' Rules for the Discernment of Spirits: A Guide to the Principles and Practice* (St. Louis: Institute of Jesuit Studies, 1982) 12–15.

and to help us determine the moral response most consistent with our status as persons made in God's image. Christian discernment goes beyond the question of moral rightness or wrongness to the more personal questions of appropriateness: "Does this action draw me closer to God and others? Will this action contribute to my own human fulfillment and that of others? What kind of person am I becoming by acting in this way?"¹⁵ In fact, the personal questions of appropriateness precede the practical moral question "What ought I to do?"¹⁶

Discernment in the Christian tradition is based on the belief that not only God but various other "spirits" are present in the moral decisions we make every day. In this context, the word "spirits" refers to the various subjective stirrings or movements that motivate us to act. Christian discernment seeks to figure out whether God or these other spirits are the driving force behind our moral decisions. Just because we experience subjective movements or spirits, however, does not mean that one spirit is good and the various others are bad. Discernment is rarely so easy as discriminating between love and pride, justice and vengeance, peace and war. Sometimes we must differentiate among several good spirits and select the best course of action among several good options.¹⁷ Many good spirits may motivate us to act at once, but one of these good spirits will be preferable. Thus the task of discernment is to distinguish between the diverse spiritual states that we experience, and to choose the course of action that most fully expresses what God is calling us to do concretely. The goal is always to select from the possible choices the action that leads us most deeply into communion with God and others.¹⁸

The subjective movements or spirits that arise within us as we engage the process of Christian discernment are recognized and understood personally.¹⁹ Cognitive skills play a role in picking up on these interior move-

¹⁵ William C. Spohn, "The Reasoning Heart: An American Approach to Christian Discernment," *Theological Studies* 44 (March 1983) 30–52, at 30.

¹⁶ H. Richard Niebuhr discusses the primacy of the personal questions of morality in his book, *The Responsible Self* (New York: Harper & Row, 1963) 48.

¹⁷ Philip S. Keane comments that discernment is much more than simply distinguishing between good and evil spirits. Keane claims that morality is rarely black or white, and moral agents are frequently called to discern among good spirits of varying degrees; see his "Discernment of Spirits: A Theological Reflection," *American Ecclesiastical Review* 168 (January 1974) 43–61, at 44.

¹⁸ For a discussion of the central task of Christian discernment, see Edward Malatesta, "Introduction," in *Discernment of Spirits* (Collegeville: Liturgical, 1970) 7–13, at 9. This book is a republication of the articles on Christian discernment in the *Dictionnaire de Spiritualité*, III, cols. 1222–91.

¹⁹ This does not suggest that Christian discernment is a private matter, for the Christian community plays a critical role in the overall process. The communal aspects of Christian discernment will be explored below.

ments and in helping us make decisions in practical matters. However, cognition alone does not lead us to the moral choice that corresponds with God's word and God's will in the present situation. For this we need to engage the whole network of human capacities. This includes the intellect with its power of reason, as well as faith, emotion, intuition, and imagination.

Moral theologians tend to overlook these other human capacities as if morality were purely an intellectual endeavor.²⁰ Perhaps this is because theologians spend the bulk of their time defending moral decisions rather than formulating initial responses. The importance of public justification of moral positions notwithstanding, we do not make moral decisions in the strictly rational way that we defend them. Usually we are guided by the heart in moral matters. The word "heart" is understood here in the biblical sense as the deepest level of ourselves, where God's Spirit joins our spirit (Romans 8:16).²¹ It is at this level where we are alone with God whose voice echoes in our depths.²²

The heart is the focal point of Christian discernment. "The tradition of discernment maintains that what we want in our heart of hearts will be consistent with whom God is enabling and requiring us to be and with what we are to do."²³ This does not mean that discernment is set against the objective dimensions of morality manifested in general moral norms. Moral agents would be like navigators without a compass were it not for these objective constraints. Discernment unfolds within the boundaries formed by general moral considerations and proceeds from them to concrete historical situations. Discernment builds on objective grounding in attending to the moral situation and its particularities, and in determining the most appropriate response in light of our relationship with God. It makes judgments based on what we know to be true and right in the depths of ourselves. In this way, Christian discernment parallels the theology of the moral conscience, which perceives the value of objective norms of morality but understands that human persons in their openness to God make moral decisions.²⁴

²⁰ Spohn talks about how moral theologians have often neglected the nonintellectual capacities of the person and downplayed their significance for morality; he refers to this neglected aspect of moral experience as the "reasoning heart" (Spohn, "The Reasoning Heart" 30–32).

²¹ For an evaluation of the biblical notion of "heart," see the *Theological Dictionary of the New Testament* (1985), s.v. "psychē."

²² Vatican Council II, *Gaudium et spes* no. 16, cited in *Proclaiming Justice and Peace: Papal Documents from Rerum Novarum through Centesimus Annus*, ed. Michael Walsh and Brian Davies (Mystic, Conn.: Twenty-Third, 1994).

²³ Gula, *Reason Informed by Faith* 321.

²⁴ Keane, "Discernment of Spirits" 45. For a discussion of the theology of the

Hearing God's word and discerning God's will in one's heart requires an adequate personal foundation. This foundation consists of three interrelated elements.²⁵ First, we must be committed to growing in our relationship with God. One critical strategy in developing our relationship with God is to pray. Prayer allows us to get in touch with the voice of God and to perceive where God is leading us in our moral lives. Second, we must trust that God is with us in our everyday moral decisions. This trust provides the confidence necessary to follow those inner movements that are consistent with who we are and want to become in view of our relationship with God. Third, we must experience a certain degree of freedom from disordered passions so that we can follow the course of action prompted by God. Without this freedom, we are paralyzed in the face of choices for the good.²⁶ These foundational elements are crucial for Christian discernment.

Historical Development of Christian Discernment

The word "discernment" is not used in the Old Testament. Nonetheless, the central themes of discernment are present throughout the Hebrew Scriptures.²⁷ Several texts deal with the presence of spirits within individuals. Saul is influenced by a good spirit (1 Samuel 11:6) and then by an evil

moral conscience, see Gula, *Reason Informed by Faith* 123–62; Timothy E. O'Connell, *Principles for a Catholic Morality*, rev. ed. (San Francisco: HarperSan-Francisco, 1990) 103–18; and Robert J. Smith, *Conscience and Catholicism: The Nature and Function of Conscience in Contemporary Roman Catholic Moral Theology* (Lanham, Md.: University Press of America, 1998). For a slightly different viewpoint on the moral conscience, see Germain Grisez, with the help of Joseph M. Boyle, Basil Cole, John M. Finnis et al., *The Way of the Lord Jesus 1: Christian Moral Principles* (Chicago: Franciscan Herald, 1983) 73–96.

²⁵ The personal foundation needed for discernment is examined by Robert F. Morneau, *Spiritual Direction: Principles and Practices* (New York: Crossroad, 1992) 29–52; and Jules Toner, *Discerning God's Will: Ignatius of Loyola's Teaching on Christian Decision Making* (St. Louis: Institute of Jesuit Sources, 1991) 70–101.

²⁶ The importance of freedom for accepting God's self-communication is discussed by Richard A. McCormick, "Discernment in Ethics: What Does It Mean?" in *Corrective Vision: Explorations in Moral Theology* (Kansas City: Sheed & Ward, 1994) 55–68, at 59–62. For a sustained discussion of this issue see Karl Rahner, *Spirit in the World*, trans. William V. Dych (New York: Continuum, 1994); and his *Foundations of Christian Faith: An Introduction to the Idea of Christianity*, trans. William V. Dych (New York: Seabury, 1978). For a summary of Rahner's theological anthropology, see Stephen J. Duffy, *The Dynamics of Grace: Perspectives in Theological Anthropology* (Collegeville: Liturgical, 1993) 261–341; and Roger Haight, *The Experience and Language of Grace* (New York: Paulist, 1979) 119–42.

²⁷ For an examination of discernment in Scripture, see Jacques Guillet, "Sacred Scripture," in *Discernment of Spirits* 17–53. Guillet examines discernment in the Old Testament in the first section, 17–26; and discernment in the New Testament in the third section, 30–53.

spirit (1 Samuel 16:14–23); seventy elders receive some of the spirit bestowed on Moses so that they can share the burden of the people with Moses (Numbers 11:14–23); and Egypt staggers from the spirit of confusion prepared by the Lord (Isaiah 19:14). Various texts also discuss the need to distinguish among spirits from God and spirits from other sources. This type of discernment is seen most vividly in texts dealing with the callings of the various prophets (e.g. Amos 7; Hosea 1–3; Isaiah 6; Jeremiah 1; Ezekiel 1–3). These texts taken cumulatively point to an incipient notion of discernment in the Old Testament.

These basic themes of discernment are further developed in the New Testament. The Synoptic Gospels do not employ the term “discernment” as such, but it is implied and lived throughout the Gospels (e.g. Matthew 1:18–20, 4:1; Mark 14:36; Luke 1:35, 2:26).²⁸ Discernment is mentioned explicitly and treated systematically in the epistles, most notably in 1 John 4:1 (“Beloved, do not trust every spirit but test the spirits to see whether they belong to God, because many false prophets have gone out into the world”), Romans 12:2 (“Do not conform yourself to this age but be transformed by the renewal of your mind, that you may discern what is the will of God, what is good and pleasing and perfect”), and 1 Corinthians 12:8–10 (“To one is given through the Spirit the expression of wisdom; . . . to another prophecy; to another discernment of spirits”). These texts suggest that the early Christian communities recognized the value of discernment for the moral life. For them discernment was the gift of hearing God’s word and perceiving God’s will in changing circumstances.

Many Christian writers took up the notion of discernment over the centuries. Origen, Cyril, Augustine, and Cassian offered insights on discernment.²⁹ Origen enumerated the different kinds of spirits that make us act, and described how we can differentiate between the spirits. In *The City of God*, Augustine argued that we must discern whether our motivations come from God or from earthly forces.³⁰ Medieval theologians and mystics such as Thomas Aquinas, Bernard of Clairvaux, Richard of St. Victor, and Catherine of Siena also reflected on discernment.³¹ Aquinas discussed discernment in the context of the moral virtue of prudence (*Summa theologiae* 1-2, q. 65); for him, prudence served the same role as discernment in terms

²⁸ A fascinating study of discernment in the Gospels as manifested in the relationship between Peter and Jesus is offered by Neil P. Hurlley, “St. Peter: A Case Study in Discernment of Spirits,” *Review for Religious* 22 (1963) 193–202.

²⁹ For a discussion of discernment in the patristic period, see Gustave Bardy, “The Patristic Period,” in *Discernment of Spirits* 55–64.

³⁰ See Augustine, *The City of God*, trans. Henry Bettenson (New York: Penguin, 1984).

³¹ For a discussion of discernment in the medieval period, see Francois Vandembroucke, “The Medieval Period,” in *Discernment of Spirits* 65–78.

of coming to good moral decisions through grace in concrete historical situations by engaging the objective and subjective features of morality.³² Catherine of Siena considered the importance of discretion in several of her works; she held that discretion is nothing more than the true knowledge that the soul must have of itself so that it can correctly practice neighbor love.

The modern period shows a decreased interest in discernment.³³ This is due in large part to the movement toward a legalistic view of morality that spilled over from the nominalist explosion.³⁴ Morality until the 14th century was perceived as a moral doctrine of human fulfillment and of virtues ordered to charity. However, individuals such as William of Ockham ushered in a moral theory of obligation that deemphasized the importance of human fulfillment and the role of virtue in achieving communion with God.³⁵ Consequently morality was looked upon as a willful response to abstract laws rather than a loving response to God. With such a strong emphasis on the legalistic dimensions of morality, discernment was relegated to the realm of spirituality, which was slowly becoming detached from morality.

Despite the relative lack of interest in discernment in the modern period, the notion receives some attention by Protestants and Catholics. The basic thrusts of discernment, if not the word itself, are present in the Protestant modern tradition. "The preoccupation of the Quakers with the Inner Light and the interest of many in the Great Awakenings" are but two examples

³² Aquinas's views on discernment are treated in a series of articles by John Mahoney; see his "The Spirit and Moral Discernment in Aquinas," in *Seeking the Spirit: Essays in Moral and Pastoral Theology* (Denville, N.J.: Sheed & Ward, 1981) 63–80; "The Spirit and Community Discernment in Aquinas," *ibid.* 81–96; and "The Church and the Holy Spirit in Aquinas," *ibid.* 97–117. For an interpretation of prudence that balances its objective aspects with its subjective aspects and integrates this virtue with Christian discernment, see Bernard Häring, *The Law of Christ 1*, trans. Edwin G. Kaiser (Paramus, N.J.: Newman, 1966) 498–513.

³³ For a discussion of discernment in the modern period, see Joseph Pegon, "The Modern Period," in *Discernment of Spirits* 79–97.

³⁴ Several authors reflect on the movement toward a legalistic view of morality; see, for example, John A. Gallagher, *Time Past, Time Future: An Historical Study of Catholic Moral Theology* (New York: Paulist, 1990) 48–97; John Mahoney, *The Making of Moral Theology: A Study of the Roman Catholic Tradition* (Oxford: Clarendon, 1987) 175–223; and Servais Pinckaers, *The Sources of Christian Ethics*, trans. Mary Thomas Noble (Washington: Catholic University of America, 1995) 240–79.

³⁵ For a philosophical view of the importance of virtue for the moral life, see Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, 2nd ed. (Notre Dame: University of Notre Dame, 1984). A theological view of the same issue is offered by Romanus Cessario, *The Moral Virtues and Theological Ethics* (Notre Dame: University of Notre Dame, 1991).

of a Protestant approach to discernment.³⁶ In the Catholic modern tradition, discernment is associated chiefly with Ignatius Loyola and his *Spiritual Exercises*.³⁷ Through reflecting on his own conversion experience, Ignatius realized that various forces or spirits move individuals to act in moral situations. Some of these spirits are good (from God) and some are evil (from Satan). Good and evil spirits surface in subjective feelings of attraction or resistance, movements toward or away from God, movements that Ignatius called consolations and desolations, respectively.³⁸ Ignatius concluded from these insights that discernment of spirits is necessary for hearing God's call in particular instances. Only through differentiating between the spirits that reside within can one determine whether the source of movement is God or not.

Ignatius, of course, was not alone in championing the cause of discernment in the Catholic modern tradition. However, his efforts were unmatched in this time. No single Catholic author comes close to his systematic treatment of discernment. The theology of discernment advanced by Ignatius highlights the significance of affectivity in moral decision making, and brings the spiritual life and the moral life closer together. Ignatius's notion of discernment is practiced today in the religious order he founded, the Society of Jesus, and in those trained in Ignatian spirituality.

PRACTICAL ASPECTS OF CHRISTIAN DISCERNMENT

Christian discernment is at its core a practical undertaking. Discernment attempts to disclose the moral response that most closely parallels the will of God in changing circumstances. Recently, theologians have again recognized the practical relevance of discernment for the moral life.³⁹ The legalistic or rule-based method that took hold of morality in the 14th century and persisted into the 20th century has proven ineffective in meeting the complex demands of contemporary life. Objective norms of morality and strict deduction of these norms cannot always yield stable answers

³⁶ Keane, "Discernment of Spirits" 47. For a concise review of the spiritual movements in Protestant theology, see William C. Placher, *A History of Christian Theology: An Introduction* (Philadelphia: Westminster, 1983) 229–34 and 237–47.

³⁷ Ignatius of Loyola, *The Text of the Spiritual Exercises of Saint Ignatius*, 4th ed., trans. John Morris (London: Burns and Oates, 1908). For an analysis of discernment in the Ignatian tradition, see John Haughey, *The Conspiracy of God* (Garden City, N.Y.: Doubleday, 1973) 118–54; Karl Rahner, *The Dynamic Element in the Church* (New York: Herder and Herder, 1964); Toner, *Discerning God's Will*; and Piet Penning de Vries, *Discernment of Spirits: According to the Life and Teachings of St. Ignatius of Loyola*, trans. W. Dudok Van Heel (New York: Exposition, 1973).

³⁸ Larkin, *Silent Presence* 15.

³⁹ Philip Keane outlines the reasons for contemporary theologians' renewed interest in Christian discernment; see his "Discernment of Spirits" 48–50.

to the challenging issues that we face.⁴⁰ If we are to respond faithfully to God's gift of love and call to be loving in our transitional world, then we need a more nuanced approach to moral decision making. Christian discernment provides us with such an approach.⁴¹ How does discernment help us respond in the most loving way in real-life situations?

Christian discernment as a process is sometimes compared to solving a problem. This is an unfortunate comparison, since the practical moral reasoning of discernment is less clear, less certain, and less linear than the experimental model of reasoning designed specifically for problem solving.⁴² Christian discernment does not operate in computer fashion and does not offer certain solutions to moral problems. Rather, discernment gives us an inner sense that we are doing the right thing, that we are following God's will. Ernest Larkin points out that discernment "does not tell us what to do, since it moves on a different plane from the technical. But it does indicate whether or not we are moving in the right direction on the deepest level of our being, and in this way it enlightens our experiences, reinforces our decisions, and concretizes our desire to find God in all things."⁴³ In short, Christian discernment provides us with moral confidence, not scientific certainty, that we are doing what God wills and enables.

Christian discernment is an art form that engages the whole network of human capacities in helping us decide what our relationship with God demands in present circumstances. It is a process that works back and forth to intertwine faith, reason, emotion, intuition, and imagination.⁴⁴ Faith provides the hermeneutic framework within which we interpret and understand what is going on in the concrete moral situation. Reason assists us in evaluating further the breadth and depth of the situation and the morally relevant circumstances that surround the situation. Emotion and intuition give us an initial reaction, a sort of preliminary moral update as to what our

⁴⁰ Albert R. Jonsen and Stephen Toulmin consider the inadequacy of simply applying abstract moral norms or principles to concrete moral dilemmas; see their *The Abuse of Casuistry: A History of Moral Reasoning* (Berkeley: University of California, 1988) 1–20.

⁴¹ Gula reinforces this point: "Norms can direct us toward what we ought to do, but discernment ultimately leads us to the action most expressive of ourselves and of our relationship with God" (*Reason Informed by Faith* 314).

⁴² Richard M. Gula discusses the differences between scientific reasoning and the practical moral reasoning of discernment; see his *Moral Discernment* (New York: Paulist, 1997) 50–52.

⁴³ Larkin, *Silent Presence* 58.

⁴⁴ This description of discernment is based on the work of Gula, *Moral Discernment* 41–53. Gula himself builds on the work of Sidney Callahan, *In Good Conscience* (New York: HarperCollins, 1991).

responsibilities are toward the situation.⁴⁵ Imagination aids us in integrating information from various sources and formulating creative responses to the demands of the situation.⁴⁶ In every moral situation, discernment seeks to achieve some degree of harmony among this network of human capacities.

The overall process of Christian discernment consists of three structural components: personal reflection, contextual analysis, and critical evaluation. These components are interrelated and overlapping. They work together in helping us discern God's will in moral situations.

Personal Reflection

Christian discernment is about hearing God's word in the depths of our hearts, and distinguishing between the inner movements that motivate us to act. This requires that we listen to God in prayer, and that we attain some degree of knowledge about ourselves. Prayer is an essential feature of Christian discernment because it allows us to get in touch with the deepest level of ourselves, the place where God dwells.⁴⁷ The prayer of discernment is not simply reciting formula prayers, but, more profoundly, opening ourselves to God's presence so that we can get a sense of what is going on inside and outside ourselves.⁴⁸ Prayerful openness to God frees us from internal restraints and external pressures that impact our moral vision and our moral judgments. The interior freedom that prayer provides enables God's self-communication to be heard in our hearts and empowers us to respond to God's grace in the present moment. Meditation, contemplation, and centering prayer are just a few types of prayer that can facilitate the openness to God that discernment requires.⁴⁹

Self-knowledge is also a critical feature of Christian discernment because it helps us to understand our beliefs, character, desires, experiences, motives, temperament, values, and so on.⁵⁰ The awareness of ourselves that

⁴⁵ For an examination of the significance of emotions and intuitions in moral decision making, see Luigi Rulla, "The Discernment of Spirits and Christian Anthropology," *Gregorianum* 59 (1978) 537-67, at 543-51.

⁴⁶ For a discussion of the importance of imagination in moral decision making, see Philip S. Keane, *Christian Ethics and Imagination* (New York: Paulist, 1984).

⁴⁷ O'Keefe offers a concise treatment of the significance of prayer for the moral life in *Becoming Good, Becoming Holy* 113-24.

⁴⁸ Gula, *Moral Discernment* 98-99.

⁴⁹ Jacqueline Syrup Bergan and S. Marie Schwan describe the various types of prayer that provide the freedom necessary to hear God's word; see their *Freedom: A Guide to Prayer* (Winona, Minn.: St. Mary's, 1988).

⁵⁰ Several authors discuss the value of self-knowledge for discernment; see, for example, Gustafson, "Moral Discernment in the Christian Life" 107; Larkin, *Silent Presence* 42-45; John Mahoney, "Discernment of Spirits," in *Seeking the Spirit*:

we gain through prayer and other forms of reflection gives us insight into the various forces that motivate us to act in moral situations. In this way, self-knowledge allows us to see both the bright side of ourselves and the dark side, the positive possibilities as well as the limitations. Though the truth that we learn about ourselves may be painful, it is an important part of discernment because it highlights any capacity for specious justification or self-deception that we may possess.⁵¹ Only with this truth can we discern whether it is God who is speaking to us in a particular situation, or whether it is our own feelings, preferences, and prejudices. The moral response that results from discernment will only be as true to God's will as our knowledge of ourselves.

Contextual Analysis

Christian discernment is about making the most loving moral judgments in present circumstances. This demands that we recognize the morally relevant features of the situation, and that we consult extensively objective constraints and the accumulated wisdom of others. Responding in the most loving way is difficult when we do not know what is going on in the situation in which we find ourselves. Making good moral judgments necessitates that we have a solid grasp of the circumstances that surround the situation. To uncover the morally relevant features of a situation, we need to ask certain reality-revealing questions, namely: "what?" "why and how?" "who?" "when and where?" "foreseeable effects?" and "viable alternatives?"⁵²

"What?" centers on the facts and provides an initial picture of the situation ("What is going on?"). This question precedes all other questions because it supplies us with the primary data for moving forward. "Why?" and "how?" deal with ends and means ("Why am I doing this? How am I doing this?"). Much emphasis is placed on the "why"-question in contemporary morality; however, the "how"-question is equally meaningful.⁵³

Essays in Moral and Pastoral Theology, 118–34, at 129–31; and McCormick, "Discernment in Ethics" 66–67.

⁵¹ John Mahoney makes this point clear in a recent article on discernment; see his "Conscience, Discernment, and Prophecy in Moral Decision Making," in *Riding Time Like a River: The Catholic Moral Tradition Since Vatican II*, ed. William J. O'Brien (Washington: Georgetown University, 1993) 81–97, at 92.

⁵² The reality-revealing questions were first proposed by Daniel C. Maguire, *The Moral Choice* (Garden City, N.Y.: Doubleday, 1978); he further developed these questions in a book he co-authored with A. Nicholas Fagnoli, *On Moral Grounds: The Art/Science of Ethics* (New York: Crossroad, 1991). The presentation of these questions is based on the latter work (49–72).

⁵³ The question of "ends" and "means" has received much attention in contemporary moral theology. Charles E. Curran and Richard A. McCormick have edited

Situations arise in which one's subjective end (or intention), no matter how noble, cannot justify the harmful means selected to achieve the end (e.g., it would be wrong for me to kill an innocent person, even if my action gains me a million dollars that I will donate to the poor).⁵⁴ Intentionality should never be viewed as the sole moral criterion. "Who?" focuses not only on the one performing the action, but also on those whom the action will impact ("Who is doing this? Who is or will be affected?"). This question is important because our response may vary depending on whom we are addressing (e.g., I would respond differently to a child than to an adult when talking about death or sex).

"When?" and "where?" locate the event in time and place ("When am I doing this? Where am I doing this?"). These questions may seem somewhat irrelevant. Yet, in some situations, they prove quite weighty (e.g., shouting in church during the liturgy would be different from shouting after a touchdown at the football game). The question about "foreseeable effects" concentrates on the results of an action, either short-term or long-term ("What if I do this?"). We must confront this question in moral situations because it provides us with insight into the morality of our actions. Nevertheless, like intentionality, consequences should never be looked upon as the sole moral criterion because good consequences do not necessarily justify actions (e.g., I saved 35 people by torturing and killing one innocent baby). The question about "viable alternatives" has to do with other options that may exist in moral situations ("What else can I do?"). This question requires an incisive imagination to perceive alternative courses of action that are latent in actual situations.

When engaging the process of Christian discernment and trying to comprehend the moral dimensions of a situation, the reality-revealing questions must be asked. These questions may not offer definitive guidance in every situation, but they do draw us closer to what God is calling us to do in the concrete. At any one time, some of these questions may be

a book that pulls together scholarly views on the subject in *Readings in Moral Theology 1: Moral Norms and Catholic Tradition* (New York: Paulist, 1979).

⁵⁴ Pope John Paul II addressed this issue in a recent encyclical: "There are objects of the human act which are by their nature 'incapable of being ordered' to God, because they radically contradict the good of the person made in [God's] image. . . . Consequently, without in the least denying the influences on morality exercised by circumstances and especially intentions, the Church teaches that 'there exist acts which per se and in themselves, independently of circumstances, are always seriously wrong by reason of their object.'" The pope stated that these actions include those that are hostile to life itself (e.g. murder, abortion, euthanasia), violate the integrity of the human person (e.g. mutilation, physical and mental torture), and are offensive to human dignity (e.g. slavery, prostitution, subhuman living conditions) (*Veritatis splendor* [Washington: United States Catholic Conference, 1993] no. 80).

more important than others. Nonetheless, they must always be taken as a whole. They cannot be separated without sacrificing moral perspective.

Consulting objective constraints and the accumulated wisdom of others is also an indispensable feature of the process of Christian discernment. Several religious and nonreligious resources are available to us when faced with an impending moral decision. These resources include but are not limited to Scripture, Jesus, the Church, the community, role models, the authority of experts, and laws.⁵⁵ The information supplied by these sources is essential in guiding us to the action that God is requiring and enabling us to do in the present moment.

Scripture is a fundamental source of morality. The Judeo-Christian story and the personal witness of the women and men of the Bible are concrete symbols that shed light on the relation of faith and everyday living.⁵⁶ Jesus is the ultimate normative ground of morality. In Jesus we see what it means to be truly and fully human, and what it means to live a God-centered life.⁵⁷ The Church provides the theological foundations necessary for living the gospel message of love by preserving the deposit of faith and mediating God's grace in the sacraments.⁵⁸ The Church also guides us in moral matters through the teachings of the magisterium.⁵⁹ Community is the place where our lives unfold; our communities shape our moral character and facilitate our moral growth.⁶⁰ The collective experience of communities also serves as a source of moral wisdom that we can tap into when making moral decisions.⁶¹

Role models give us a life-guiding moral vision. They show us how we

⁵⁵ Several authors enumerate resources that can be of help in moral decision making; see, for instance, Gula, *Moral Discernment* 57–75; Stephen Happel and James J. Walter, *Conversion and Discipleship: A Christian Foundation for Ethics and Doctrine* (Philadelphia: Fortress, 1986) 161–77; and Maguire and Fagnoli, *On Moral Grounds* 79–142.

⁵⁶ The symbolic value of Scripture for Christian discernment is treated by Spohn, "The Reasoning Heart" 37–40.

⁵⁷ For a discussion of the relationship between Jesus and the moral life, see James M. Gustafson, *Christ and the Moral Life* (New York: Harper and Row, 1968); and Stanley Hauerwas, *The Peaceable Kingdom* (Notre Dame: University of Notre Dame, 1983).

⁵⁸ An analysis of the Church's importance for moral living is provided by Louis-Marie Chauvet, *Symbol and Sacrament: A Sacramental Reinterpretation of Christian Existence*, trans. Patrick Madigan and Madeleine Beaumont (Collegeville: Liturgical, 1995).

⁵⁹ A clear presentation on the nature and function of the moral magisterium is offered by Francis A. Sullivan, *Magisterium: Teaching Authority in the Catholic Church* (New York: Paulist, 1983).

⁶⁰ Stanley Hauerwas examines the influence of communities on moral character; see his *A Community of Character* (Notre Dame: University of Notre Dame, 1981).

⁶¹ A perspective on the import of communal experience for morality is presented

can and ought to live morally. The authority of experts is a critical resource in our highly technical world. Our own physical and mental capacities limit us in understanding all matters equally. Thus we rely on experts to illuminate the issues so that we can make informed moral choices. Laws provide a framework for moral living. They can be helpful as moral guides in identifying personal and social values, and encouraging us to promote such values.⁶² However, laws can also fall short of fulfilling the demands of morality. Consulting these sources is an important part of the process of Christian discernment. While discernment is not the sum total of an objective analysis of outside sources, discernment relies on the information generated from these sources.

Critical Evaluation

Christian discernment is about following the moral promptings of God as we experience them in our heart of hearts, not our own feelings, preferences, or prejudices. This requires that we evaluate our moral judgments against the backdrop of communal and personal criteria. Since we are finite, imperfect persons, discernment can end in moral judgments that we wrongly perceive as right. To limit this possibility to the extent humanly possible, we need to apply certain criteria that help us evaluate whether the course of action we take will lead us toward God or not.

The communal criteria for good discernment include Scripture, church community, and church authority.⁶³ We look to these criteria to see if our moral decisions in changing circumstances are in harmony or disharmony with these foundational sources of Christian morality. Certain questions help us measure our moral decisions against the communal criteria: Is our decision consistent with the content of Scripture? What is the attitude of the church community toward our decision? Does the community support us in this decision? Is our decision consonant with church tradition and church teaching? If we can answer these questions affirmatively, then we can be relatively certain that we are moving toward God in our moral choice. If we answer any of these questions negatively, then we need to rethink the matter and try to figure out if we are not in fact proceeding in the wrong direction.

The communal criteria have undoubted strength and appeal. Neverthe-

by Happel and Walter, *Conversion and Discipleship* 169–70; and Maguire and Fagnoli, *On Moral Grounds* 121–30.

⁶² Gula, *Moral Discernment* 71.

⁶³ For a reflection on the communal criteria of Christian discernment, see Keane, “Discernment of Spirits” 55–58; Mahoney, “Conscience, Discernment, and Prophecy in Moral Decision Making” 88–92; and his “Discernment of Spirits” 120–34.

less, the criteria have certain limits.⁶⁴ First, Scripture does not explicitly address many issues that challenge us in our moral lives. Certain scriptural texts, moreover, are ambiguous and open to varied interpretation. Second, the will of the church community may be in opposition to God's will. Sometimes it may be necessary to stand against the community so that greater love and unity may result.⁶⁵ Third, church teaching on moral matters is fallible and susceptible to error.⁶⁶ Church teaching, furthermore, cannot attend to the complexities and distinct elements of every moral situation. These limits suggest that the communal criteria of Christian discernment are difficult to apply in any conclusive manner. Thus these criteria must be complemented by the personal criterion.

The personal criterion for good discernment is interior harmony and integration.⁶⁷ We look to this criterion to see if our moral decisions in particular situations create agreement or disagreement among the whole network of human capacities—faith, reason, emotion, intuition, and imagination. We measure our moral decisions against the personal criterion by tuning in to the inner movements that arise within us. On the one hand, when we experience “love, joy, peace, patience, kindness, generosity, faithfulness, gentleness, and self-control” (Galatians 5:22), we gain confidence that we are moving toward God. These inner movements or fruits of the Holy Spirit suggest that we are acting in a way that most fully expresses what God is willing and enabling us to do in the concrete. On the other hand, when we experience hate, discontent, confusion, turmoil, selfishness, callousness, and excess, we lose confidence that we are moving toward God. These inner movements indicate that we are not acting in a way that most fully expresses what God is willing and enabling us to do in the concrete.

The personal criterion is given much weight in Christian discernment.

⁶⁴ Mahoney discusses the limits of communal criteria in two articles: his “Conscience, Discernment, and Prophecy in Moral Decision Making” 88–92; and his “Discernment of Spirits” 120–34.

⁶⁵ The prophets provide an excellent example of those who heard God's call differently than the community, and sought to lead the community out of error; for a discussion of the message and mission of the prophets, see Gerhard von Rad, *The Message of the Prophets* (San Francisco: Harper, 1962).

⁶⁶ O'Connell offers an overview of the limits of the moral magisterium in his *Principles for a Catholic Morality* 114–17.

⁶⁷ Some authors outline several personal criteria for Christian discernment such as self-knowledge, self-control, self-acceptance, and so on. These criteria can ultimately be reduced to inner harmony and integration. For a review of the personal criteria of Christian discernment, see Keane, “Discernment of Spirits” 55–58; Larkin, *Silent Presence* 41–48; Mahoney, “Conscience, Discernment, and Prophecy in Moral Decision Making” 88–92; and his “Discernment of Spirits” 120–34.

Yet, like the communal criteria, the personal criterion has limits.⁶⁸ First, identifying and understanding the inner movements that arise within ourselves requires that we be in touch with ourselves and with our relationship with God. Because of human finitude and brokenness, we are not always able to meet this requirement. Second, the ability to distinguish between the inner movements that arise within ourselves necessitates that we achieve some level of psychological and spiritual maturity. Human experience shows that not all persons ascend to an adequate level of psychological or spiritual maturity, and those who do are not fixed permanently at that level. Despite these limits, the peace or lack of it that we experience within ourselves is one of the principal means of discernment. However, it is not the exclusive means of discernment. Inner peace is a vague concept and the threat of self-delusion always lurks in the shadows of discernment. Therefore, communal criteria and the personal criterion must always be used in tandem to evaluate our moral choices critically.

DISCERNMENT IN THE NEONATAL CONTEXT

The process of Christian discernment sketched above offers a plausible approach to decision making in the neonatal context. Given the uncertainty that surrounds neonatal decision making and the complex of problems that arise in neonatal medicine, discernment can help parents in consultation with providers work through relevant issues and make treatment decisions systematically.⁶⁹ Yet how will a religious model of decision making work in the neonatal setting?

Different Object and Criteria

Christian discernment needs to undergo some changes or modifications at the substantive level (not the procedural) before it can be used by all parents in the neonatal context. Modifications at the substantive level are necessary so that the Christian notion of discernment can be more accessible to parents and other decision makers who are not Christian or who are not affiliated with a particular religious tradition. These substantive modifications involve the object and the criteria of discernment.

Christian discernment seeks to distinguish between the inner movements that arise within persons so that they can discover God's will in a particular

⁶⁸ For a review of the limits of Christian discernment, see Gula, *Reason Informed by Faith* 326–28; and Larkin, *Silent Presence* 7–8.

⁶⁹ For a discussion of the uncertainty of neonatal medicine, see Fred M. Frohock, *Special Care: Medical Decisions at the Beginning of Life* (Chicago: University of Chicago, 1986); and Jeanne H. Guillemin and Lynda L. Holstrom, *Mixed Blessings: Intensive Care for Newborns* (New York: Oxford University, 1986).

situation. Discerning God's will is a fitting objective for Christians, but it presents difficulties for persons who do not believe in the God of Christianity. Thus discernment in the neonatal context must be directed toward a different, more inclusive object. One conceivable option is to make the object of discernment in the neonatal setting the best interests of the newborn. This means that discernment would be aimed at discriminating, among the possible options, what is in the best interests of the impaired infant. In discerning best interests, parents will still need to get in touch with the inner movements that arise within themselves. However, parents will reflect on these movements to determine if they are really doing what is best for their newborn infant, not to determine if they are following God's will.

The best-interests standard plays a major role in clinical decision making.⁷⁰ This standard bases treatment decisions on the patient's overall best interests (physiological, psychological, social, and spiritual) and focuses exclusively on the interests of the patient (not the interests of the family or society). When used in the neonatal context, the best-interests standard asserts that medical treatment must be provided to a critically ill newborn unless death is imminent, treatment is medically contraindicated, or continued existence would represent a fate worse than death.⁷¹ While other options are available as the object of discernment, the best-interests standard stands out because of its widespread acceptance in the clinical realm.⁷² By engaging the process of discernment, parents in consultation with providers can determine with relative confidence whether any of the exceptions listed above apply and whether they are acting in their baby's best interests.

Moreover, Christian discernment measures moral judgments against communal and personal criteria. The communal criteria of Christian discernment (Scripture, church community, and church authority) cannot serve as objective measures for neonatal decisions because they are inadequate for this purpose and do not apply to all decision makers. Thus discernment in the neonatal setting must be measured against more relevant and general criteria. Plausible communal criteria for good discern-

⁷⁰ Robert F. Weir, "Infants: Ethical Issues," in *Encyclopedia of Bioethics*, rev. ed., Warren T. Reich, ed. (New York: Simon and Schuster, 1995) 1206-14, at 1212. For an overview of the best-interests standard, see Thomas L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics*, 4th ed. (New York: Oxford University, 1994) 178-80; Hastings Center, "Imperiled Newborns" 14-16; U.S. President's Commission, "Seriously Ill Newborns" 197-229; and Weir, *Selective Nontreatment of Handicapped Newborns* 170-77.

⁷¹ Hastings Center, "Imperiled Newborns" 15.

⁷² In fact, Weir states that the best-interests standard is "the mainstream ethical position, at least in the United States"; see his "Infants: Ethical Issues" 1212.

ment in the neonatal context include medical information, societal values, and legal constraints. This means that parental decisions resulting from discernment would be evaluated in light of these criteria to determine if they are in harmony or disharmony with these objective measures.

The criterion of medical information refers to the accumulated objective and anecdotal data of neonatal medicine. The data includes the explicit and implicit standards of care-and-practice guidelines that providers employ when deciding the proper course of treatment for patients. The criterion of societal values refers to those basic human goods that communities seek to protect and preserve in most instances (e.g. life, knowledge, health, relationships, freedom).⁷³ The criterion of legal constraints refers to applicable laws, regulations, and jurisprudence. In the U.S., regulations have been issued that specifically address neonatal treatment decisions.⁷⁴ Other options for communal criteria exist. However, medical information, societal values, and legal constraints are especially relevant and sufficiently general to serve as objective measures in the neonatal context. Evaluating parental decisions against these criteria can add objectivity to the decision-making process and protect against decisions based solely on feelings, preferences, or prejudices.

The personal criterion of Christian discernment also creates some difficulties. The interior harmony and integration that discernment looks for in moral matters will be hard to attain in the neonatal context. How can parents feel peace, patience, kindness, and generosity, when making treatment decisions for their newborn infant who is clinging to life? It is likely that parents feel mostly resentment, anger, sadness, and doubt in such situations. Does this mean that parents cannot rely on the inner movements that arise within them to make good decisions? Not necessarily. Admittedly, parents of critically ill newborns experience a great degree of distress

⁷³ John Finnis discusses the nature of basic goods and values in his *Fundamentals of Ethics* (Washington: Georgetown University, 1983); he also considers basic goods in *Natural Law and Natural Rights* (Oxford: Clarendon, 1984).

⁷⁴ These regulations are called the Baby Doe Regulations. For a review of their development, see Department of Health and Human Services, Office for Civil Rights, "Notice to Health Care Providers: Discriminating against the Handicapped by Withholding Treatment or Nourishment," *Federal Register* 47 (16 June 1982) 26027; Department of Health and Human Services, Office of the Secretary, "Non-discrimination on the Basis of Handicap Relating to Health Care for Handicapped Infants," *Federal Register* 48 (5 July 1983) 30846-52; Department of Health and Human Services, Office of the Secretary, "Nondiscrimination on the Basis of Handicap; Procedures and Guidelines Relating to Health Care for Handicapped Infants," *Federal Register* 49 (12 January 1984) 1622-54; and Department of Health and Human Services, Office of Human Development Services, "Child Abuse and Neglect Prevention and Treatment Program," *Federal Register* 50 (15 April 1985) 14878-901.

and inner turmoil. Nevertheless, this does not mean that in their heart of hearts parents cannot make cautious and considerate decisions. It means simply that the decisions they make will be extremely hard. Parents can find, amid the chaos, some level of peace that indicates they are acting in the best interests of their little one. Therefore, the personal criterion can still function as a primary means of discernment in the neonatal context.

Application of the Process

Despite the modifications to Christian discernment at the substantive level, the process of Christian discernment does not need to change. The three structural components of personal reflection, contextual analysis, and critical evaluation can be carried over to the neonatal context without difficulty.

Personal Reflection. Parents must look within themselves, search their hearts to discover what they truly believe is right for their infant. By engaging in reflective activities, parents gain a sense of their values, their beliefs, and their motives. They come to understand their feelings toward the situation. This self-knowledge is critical for parents in making treatment decisions that are in their infant's best interests.

Contextual Analysis. Personal reflection alone does not lead to good decisions in the neonatal context. Parents must also identify the morally relevant features of the situation and consult extensively objective constraints and the accumulated wisdom of others. To comprehend the complexities of the situation, parents need to ask the reality-revealing questions of discernment: What has our baby been diagnosed with? What is the best-guess prognosis for our baby? Why are we selecting this course of treatment or nontreatment? How will the end that we seek be met? Whom will our decision impact? When are we making our choice? Where will our choice unfold? What are the foreseeable effects of this decision. What viable alternatives are available to us? These questions will be answered to the extent that parents consult the various religious and nonreligious resources available to them (e.g. Scripture, Jesus, Church, community, role models, authority of experts, laws). The information provided by the health-care team is especially important in gaining insight into the situation. Without sound medical evidence, parents will be limited in their ability to make decisions that are in the best interests of their newborn infant.

Critical Evaluation. Parental decisions for critically ill newborns must be measured against the communal criteria of medical information, societal values, and legal constraints, and the personal criterion of inner harmony. These criteria work together in assessing the validity of decisions based on discernment, and in maintaining the focus on the best interests of seriously

ill newborns. However, the communal and personal criteria do not eliminate the possibility of conflict. Disputes may arise as to the validity of parental decisions. If providers think that parents are not acting in the best interests of their critically ill infant, then they should discuss this candidly with the parents. Dialogue is an amazing tool for clearing up confusion and diffusing difficulty. If providers still have questions about parental decisions after talking with parents, then providers should seek support from the hospital ethics committee. Most hospitals today have established these interdisciplinary bodies that address the ethical issues of the institution.⁷⁵ Hospital ethics committees have proven effective in clarifying the ethical dimensions of a situation and helping providers and parents resolve disputes. If providers and the hospital ethics committee still have questions about parental choices after meeting with the parents, then legal recourse should be sought. This extreme, last-resort option is sometimes necessary when parents are clearly abusing their decisional authority.⁷⁶

CONCLUSION

Decision making in the neonatal context is complex and difficult. Parents in consultation with providers must often make life-and-death treatment decisions for their seriously ill newborn. They must decide the fate of their baby whom they have been anticipating for months. As if the burden of deciding the outcome of their newborn's life were not enough, parents are asked to make such decisions without a clear decision-making process. Thus, assisted by providers, parents make arbitrary, stress-laden choices which they base more on intuition than systematic analysis. Fortunately, most of these choices correspond with what is in the best interests of their newborn. Sometimes, however, parental decisions result in nontreatment decisions for infants who should live, and treatment decisions for infants who should be allowed to die.⁷⁷

⁷⁵ A vast amount of literature on health ethics committees exist; see, e.g., Dennis Brodeur, "Toward a Clear Definition of Ethics Committees," *Linacre Quarterly* 51 (August 1984) 233-47; Ronald E. Cranford and A. Edward Doudera, ed., *Institutional Ethics Committees and Health Care Decision Making* (Ann Arbor, Mich.: Health Administration, 1984); and Richard A. McCormick, "Ethics Committees: Promise or Peril?" *Law, Medicine & Health Care* 12 (September 1984) 150-55. With particular reference to HECs in the neonatal context, see Infant Bioethics Task Force and Consultants, "Guidelines for Infant Bioethics Committees," *Pediatrics* 74 (1984) 306-10; and Robert F. Weir, "Pediatric Ethics Committees: Ethical Advisors or Legal Watchdogs?" *Law, Medicine & Health Care* 15 (Fall 1987) 99-109.

⁷⁶ This process of resolving disputes is inspired by the work of Weir, *Selective Nontreatment of Handicapped Newborns* 268-71.

⁷⁷ *Ibid.* 188-89.

My hope is that the modified process of Christian discernment outlined here will lead to more careful and compassionate parental decisions in the neonatal context. This process of discernment has several advantages over the ad hoc approach. First, the structural components of the process (personal reflection, contextual analysis, and critical evaluation) provide parents with clear procedural guidelines. Second, the process enables parents to identify salient issues through contextual analysis with its reality-revealing questions. Third, the process delineates communal and personal criteria that function as measures of parental decisions. These criteria limit the potential for parental abuse, and keep the sights of parents and providers on the overall best interests of critically ill newborns. Nevertheless, the only way to determine the true merits of this process is to see it at work, to critically analyze it in light of outcomes. Research will be required in order to determine whether this process that I have formulated really helps parents make choices in the best interests of their newborn infants caught somewhere between life and death.

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