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Is There a "Right" to Die?

by

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The expression "the right to die" is ambiguous. It can mean a liberty to be immune from coercive interventions which would prevent death and prolong the dying process. But this meaning is better expressed by saying that it is an aspect of our right to life, bodily integrity, and personal inviolability. In another sense it can mean an entitlement to the means, including the acts of another, necessary to bring about death. This is the sense the expression has for those who subscribe to the philosophy of the Society for the Right to Die, formerly called the Euthanasia Society, and of the Hemlock Society. The right to die in this sense is also defended by those who accept the "Plea for Beneficent Euthanasia" drafted by Marvin Kohl and Paul Kurtz, who hold that belief in the value and dignity of the individual person "requires respectful treatment, which entails the right to reasonable self-determination," and conclude that "no rational morality can categorically forbid the termination of life if it has been blighted by some horrible malady for which all known remedial measures are unavailing."¹ It is a right to choose death, a right to be killed.

It is not irrelevant, in my opinion, to note that a right of this kind *seems* to be implied by the understanding of the Fourteenth Amendment undergirding the recent Supreme Court decision in *Planned Parenthood v. Casey*. In that case Justices Souter, Kennedy, and O'Connor gave as one of the central reasons for reaffirming the "central holding" of *Roe v. Wade* the meaning of "liberty" in the Fourteenth Amendment. According to them, matters "involving the most intimate and personal choices a person may make in a lifetime, choices central to personal dignity and autonomy, are central to the liberty protected by the Fourteenth Amendment. At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they formed under compulsion of the State."² Surely, one of the "most intimate and personal choices a person may make in a lifetime," and "central to personal

dignity and autonomy," is the choice whether or not one wishes to be killed.

Here I will argue that there is no "right to die" in this sense. I will first summarize the reasons advanced to support this alleged right by its advocates and then present a critique of those reasons. In this paper I will not consider the reasons advanced by those defending the "right to die" and "beneficent euthanasia" for extending this "right" to noncompetents by allowing others to exercise it for them by proxy and thus to engage in "beneficent nonvoluntary euthanasia."³ I will consider only the arguments for "voluntary euthanasia," or the exercise of the "right to die" by competent individuals.

The Argument for the "Right to Die" or "Beneficent Euthanasia"

The basic argument to support the "right to die" or "beneficent *voluntary euthanasia*" can be fairly summarized as follows: In voluntary euthanasia the person to be killed kindly wishes to be killed; hence, no one is doing that person an injustice by killing him. The person's desire to be killed is reasonable in view of the suffering and/or humiliation he is experiencing; at times, others are suffering terribly too, psychologically or economically or both. Killing this person, who, after all, freely consents to being killed and who may even be begging to be killed, is thus a reasonable way to end all this suffering. While it is true that some persons in our society object to killing of this kind on the grounds that it is immoral and constitutes an attack on some presumed "sanctity of life," it would be both cruel and unjust to impose *their* values on someone who freely chooses to be killed and on those who seek compassionately to help this person realize this choice. Thus, the argument concludes, voluntary beneficent euthanasia, which respects the person's right to die, is both morally right and ought to be legally permissible.⁴

The argument just advanced provides support for the *legalization* of a "right to die" or of voluntary euthanasia and claims that it is morally right for human persons. It has, therefore, anthropological and moral presuppositions. The anthropological presupposition concerns the meaning of "human person," while the moral presupposition concerns the proper way to make good moral choices. I will now seek to identify these presuppositions by examining the writings of some of the more prominent advocates of the "right to die" and beneficent euthanasia.⁵

I will first take up the anthropological presupposition, which sharply distinguishes between *bodily* or *biological life* and *personal* or *biographical life*.⁶ The former is the condition for the latter and is of value only as the necessary substratum for the latter. Once the qualities associated with personal life are unrealizable, or until these qualities are attainable, bodily or biological life is of no real, personal value. On this view the *person* is the self-conscious subject, aware of itself as a self and capable of relating to other selves and of controlling suppersonal nature, including bodily and physical life.

This understanding of the relationship between personal life and bodily life is reflected in the writings of leading advocates of the right to die. I will now show this by examining briefly the writings of three such proponents, Joseph Fletcher, Daniel C. Maguire, and Marvin Kohl, whose expression of this mentality is typical.

Fletcher is by far the most explicit in presenting this understanding of the

human person. He insists on the "right of spiritual beings to use intelligent control over physical nature rather than to submit beastlike to its blind workings."⁷ He likens the morality of euthanasia to that of contraception, saying: "Death control, like birth control, is a matter of human dignity. Without it persons become puppets."⁸ For Fletcher, bodily life belongs to the impersonal world of nature, of "its." Human *persons* have the right to dispose of this physical, impersonal "it" in order to serve such personal goods as freedom, choice, and responsibility.⁹

Maguire, the most ardent Catholic champion of "death by choice" or the "right to die,"¹⁰ holds, as does Fletcher, that the human person — the conscious, rational subject — has the right to subject physical nature to rational control, and he includes the bodily life of the human person or what he terms "biochemical and organic factors" in the world of physical nature. Echoing Fletcher, he proclaims that just as "birth control, for a very long time, was impeded by the physicalistic ethic that left moral man at the mercy of his biology" until "technological man discovered that he was morally free to intervene creatively and to achieve birth control by choice," so the same physicalistic ethic has condemned man "to await the good pleasure of biochemical and organic factors and allow these to determine the time and manner of his demise." Now, however, Maguire continues, technological man can creatively intervene, and has a moral right to intervene, in order "to terminate life either through positive action or calculated benign neglect rather than to await in awe the dispositions of organic tissue."¹¹ Bodily life for Maguire, as for Fletcher, is a "merely biological" good, not a personal good.

The distinction between *bodily* and *personal* life is not so sharply made by Kohl as it is by Fletcher and Maguire. But it is nonetheless a controlling aspect of his defense of beneficent euthanasia. Throughout his writings he stresses the supremacy of such human and personal values as dignity and rational control in comparison to the value of bodily or physical existence. Kohl admits that many people oppose the movement to legalize euthanasia on the grounds that it is destructive, not protective, of human dignity insofar as it involves killing people. He is willing to concede that one may legitimately speak of the *inherent dignity* of human beings as connoting "excellences that set human beings apart from other species."¹² But he insists that this sort of dignity is not pertinent to the question of euthanasia. What is of supreme importance is another sort of dignity, an *extrinsic dignity* that consists "in having reasonable control over the major and significant aspects of one's life."¹³ This sort of dignity, he says, grounds our right to determine ourselves, and its exercise can at times require the choice to kill oneself or another. The central dignity of the person is "the actual ability of a human being to rationally determine and control his way of life and death and to have this acknowledged and respected by others."¹⁴ From this it follows that bodily life as such is subordinate and inferior to *personal* dignity. Thus actions destructive of bodily life are morally justifiable and legally permissible if they can enhance or protect the value of rational self-determination and control.

Now to the moral or methodological presupposition behind the defense of the "right to die," i.e., the way the advocates of this right believe we ought to make

good moral judgments and choices, particularly in problematic or conflict situations such as that confronting us when we are trying to determine how we ought properly to care for a dying person or how we ourselves ought to choose when we are dying from some terrible malady. The advocates of the "right to die," it seems clear to me, hold that we ought to examine the alternatives and choose the one which promises the greater good or at least the lesser evil. They admit that death is, in some sense at least, an evil because it ends our life. But they hold that the choice of death and the choice to kill are morally upright when ordered to the protection of a good that is greater than physical life itself, a good such as personal dignity. Death is a disvalue, an evil of sorts, but we can choose death as a means to a good greater than bodily life itself.

This methodology, which can be called proportionalistic, or the ethic of the proportionate good, is clearly articulated in the writings of Fletcher and Maguire. Fletcher stresses that the end justifies the means. In saying this he does not mean that *any* end can justify *any* means, but rather that we may rightly choose to do evil or effect a disvalue if there is a proportionate good that will be served by doing so, a good proportionately great enough to justify the willingness to effect the disvalue. Thus he writes: "The priority of the end is paired with the principle of 'proportionate good'; any disvalue in the means must be outweighed by the value gained in the end."¹⁵ In the case at hand, the beneficent killing of suffering persons who beg to be killed, the proportionate good serving as the end justifying the killing is the good of personal integrity or human dignity.¹⁶

Maguire also champions the ethics of proportionate good. He claims that the most important thing to consider in determining whether it is morally right to choose to do an evil is "whether there is a proportionate reason to permit or intend [an evil such as death]."¹⁷ Indeed, the "basic category" for determining whether an action is morally right is the category of proportionate reason.¹⁸ Applying this principle to the choice to kill oneself or another for reasons of mercy, Maguire holds that such deeds are morally right so long as a good greater than physical life is served, a good such as personal integrity or the freedom of self-determination.¹⁹

Kohl, although he does not use the language of "proportionate good" or "proportionate reason," clearly uses the same ethical methodology. For him the key value in justifying beneficent euthanasia is the personal dignity which consists in "having reasonable control over the major and significant aspects of one's life," and protection of the dignity is the "overriding reason" justifying the choice to kill someone mercifully — what makes it to be a "beneficent" act.²⁰

The Argument Against the "Right to Die" and "Beneficent" Euthanasia

Here I will first challenge the anthropological and moral methodological presuppositions behind the defense of a "right to die" and "beneficent" euthanasia, and then present a counterargument to the principal argument advanced to gain legal recognition of this right.

The anthropological presupposition is that we must distinguish sharply between *physical* or *bodily life* and *biographical* or *personal life*. On this

presupposition there are two components of human beings. One component, the one really good and valuable, is the personal, which consists in the self-awareness of the individual and his or her capacity to control affairs through personal choice.²¹ This is obviously a dualistic presupposition that is philosophically untenable.²² Dualism of this kind makes it impossible for us to understand how a human being can be *one* being and not several. It renders utterly inexplicable our experienced unity of ourselves as bodily beings whose bodies are *animated* by a principle that also capacitates us to be the kind of bodily beings radically capable of discriminating between true and false propositions and of determining our selves by our own free choices. We personally *are* our bodies. When we break our arms we do not say that we have damaged our instruments but that we have hurt *ourselves*.²³

The life of a living being is indistinguishable from the very reality of the being, a reality which pervades and includes everything that the being does. "Life," as two philosophers put it, "is not a characteristic of one part of a whole [the bodily aspect] and [personal] activities properties of some other part of it [the personal aspect]."²⁴ Rather the same life permeates all the activities of the one human being, the one human person. Thus when my *body* dies, *I* die. Death is not the separation of the "person" from the "body." It is the death of the person.²⁵ Bodily life is not merely a *condition* for personal life; it is an *integral component of personal life*. Bodily life, therefore, participates in the dignity of the person.

The second, or moral-methodological, presupposition of the ethics of beneficent euthanasia is that the proper way to make good moral judgments and choices, particularly in conflict situations, is to examine the alternatives and then choose that alternative which promises the greater proportion of good over evil, which promises the "proportionate" good.

Each of us would obviously agree with the proposal that one ought to choose the alternative promising the greater "good" if by *good* is understood what is *morally* good, for the morally good choice is, after all, the one we are seeking to make in our efforts to shape our lives responsibly. But when the proportionalists advance choosing the greater good as the fundamental principle for making moral choices they are not using the term *good* in a moral sense. They are referring to *good* in the sense that it designates some perfection or set of perfections that contribute to the flourishing of human persons and communities, to *good* in the sense that life and health, justice, friendship, knowledge of the truth, and things of this kind are "good." Their assumption is that we can weigh or measure these goods in such a way that we can determine which among them is greater so that pursuing it justifies our choice deliberately to damage, destroy, or impede other "goods."

But this assumption, namely, that the human goods at stake in making choices (goods like human life itself, knowledge of the truth, and their instantiations or realizations in specific persons) are commensurable is erroneous. Goods like these are utterly incomparable and incommensurable. For instance, to compare the good of life itself to the good of personal dignity or integrity, is like trying to compare the number 66 with the length of this line. One simply cannot compare them, for they are incomparably good aspects of the human person. This

assumption, in fact, requires that two incompatible conditions be met: "first, that a morally wrong choice be possible; second, that the alternative which is superior in terms of the proportion of good to bad be known. But this cannot be, for if the alternative which is superior in these terms is known, other possibilities fade away, and there can be no morally wrong choice."²⁶

The right way to make good moral judgments and choices is to choose, and otherwise will, those and only those alternatives of choice which are compatible with a love and respect for *all* the goods of human persons. This means that one ought *not* freely and deliberately choose to damage, destroy, or impede what is really a good, such as life itself, *of* human persons, a good constitutive of the well-being or full-being of human persons. Thus one ought not adopt by choice the proposal to kill innocent human beings.²⁷

From what has been said thus far, one can see that the anthropological and moral-methodological foundations of the ethic of beneficent euthanasia and the "right to die" are flimsy indeed. So too is the basic argument they offer to support their claim that beneficent euthanasia should be legally permitted so that competent individuals may exercise their "right to die," as I now hope to show.

If beneficent euthanasia is to be legally permitted and adopted as public policy, it will be necessary first of all to change the laws concerning homicide. It will also be necessary, to make sure that those to be killed in this "kindly" way give informed consent to being killed, to establish some kind of legal procedures, including governmental regulation.

But, as Yale Kamisar and, most notably, Germain Grisez and Joseph Boyle have pointed out,²⁸ the legalization of voluntary euthanasia will inevitably work to the serious detriment of many persons who do not want to be killed. Once it is legally permissible for a person to consent to being killed and for others to help accomplish this choice of death, many who do not want to be killed will be under heavy pressure to consent to this "kindly" option. Many who are mortally ill worry that they are a burden to others and feel guilty for the care they need. Once they realize that they can, by availing themselves of the most technically efficient solution to the problems they cause by persisting in living, relieve others of the burden of caring for them they will begin to feel even more guilty should they stubbornly and perhaps selfishly refuse to consent to being killed. No doubt there will be occasions when relatives, healthcare personnel, social workers, and others will urge the dying to consent to this "kindly" treatment.

There are many other serious disadvantages that will result from the legalization of beneficent voluntary euthanasia, such as abandoning care of the suffering dying and stopping or slowing work now being done to learn more about relieving their suffering and meeting their needs. But the most compelling argument against legalizing voluntary euthanasia is that it will inevitably cause injustices to many who do not wish to be killed *and* violate the liberty of all those in our society who do not accept the worldview of those advocating the "right to die." I have already noted that making voluntary euthanasia a matter of public policy will require a change in the law of homicide and will require governmental regulation of the practice to verify that only persons who want to be killed will be. The choice to be killed, moreover, is a personal, private choice, one that does not

foster a compelling public good. Should the choice be made legally available it will either demand extensive governmental regulation, no governmental regulation, or at least some measure of governmental regulation. Since this is so, I believe that the following argument, summarizing the position developed by Grisez and Boyle, not only merits the serious consideration of every person but also devastates the argument proposed to legalize voluntary euthanasia and the right to die. The argument can be put this way:

If voluntary euthanasia is legalized without regulation, those who do not wish to be killed are likely to become unwilling victims; this would deny to them the protection they presently enjoy under the law of homicide. And since the denial is to serve a private interest, it will be an injustice. If voluntary euthanasia is legalized with close regulation which will involve the government in killing, those who abhor such killing will be involved against their wishes, to the extent that the government representing them will be used for this purpose. Since the government's involvement will be required only as a means to promote a private interest, this state action will unjustly infringe the liberty of all who do not consent to mercy killing as a good to whose promotion state action might be legitimately directed. A solution involving a compromise between legalization of voluntary euthanasia without regulation and legalization with close regulation would mean some degree of lessened protection together with some degree of government involvement — a situation which will result in injustice partly due to the reduced protection of the lives of those who do not wish to be killed and partly due to the unwilling involvement of those who do not wish to kill. Since the stated conditions are all the possible conditions under which voluntary euthanasia could be legalized, legalization is impossible without injustice. Therefore, the legalization of the "right to die," of voluntary euthanasia, must be excluded.²⁹

I thus conclude that the "right to die," or beneficent voluntary euthanasia, lacks moral and jurisprudential foundation. The alleged "right" is spurious, and the reasoning to support it is specious.³⁰

References

1. Marvin Kohl and Paul Kurtz, "A Plea for Beneficent Euthanasia," in *Beneficent Euthanasia*, ed. Marvin Kohl (Buffalo: Prometheus Books, 1975), pp. 233-234.
2. Supreme Court of the United States, *Planned Parenthood of Southeastern Pennsylvania et al. v. Robert P. Casey*, June 29, 1992, p. 9. An excellent analysis and critique of this decision is given by Russell Hittinger, "Et Tu, Justice Kennedy?" *Crisis* 10.8 (September, 1992) 16-22.
3. Put briefly, the argument can be stated as follows: "It is reasonable to believe that there are some conditions in which a quick and painless death for a noncompetent individual is preferable to continuing a life that has lost value and meaning or that perhaps has never achieved value and meaning. Killing, it is urged, is a benefit rather than a harm, because life in some conditions is a burden and harmful and not a value. No one is treated unjustly if something harmful is taken away. Thus choosing to kill someone whose life is no longer a value to be preserved but is rather a burden to be carried, is a morally good choice and one that ought to be sanctioned by law." Among those advancing this kind of argument are: Daniel Maguire, *Death by Choice* (New York: Schocken Books, 1975), pp. 23-26, 173-177; Marvin Kohl, *The Morality of Killing: Sanctity of Life, Abortion, and Euthanasia* (New York: Humanities Press, 1974), p. 96; Glanville Williams, *The Sanctity of Life and Criminal Law* (New York: Alfred C. Knopf, 1957), pp. 316-319; H. Tristram Engelhardt, "Ethical Issues in Aiding the Death of Young Children," in *Beneficent Euthanasia*, ed. Marvin Kohl (Buffalo, NY: Prometheus Books, 1975), pp. 180-192.

4. Here I have attempted to summarize the view expressed by many advocates of the "right to die" or "beneficent euthanasia." See, for example, Arval Morris, "Voluntary Euthanasia," *Washington Law Review* 45 (1970) 251-254; Marvin Kohl and Paul Kurtz, "A Plea for Beneficent Euthanasia" (cf. n. 1); Glanville Williams, *The Sanctity of Life and Criminal Law*; Marvin Kohl, "Voluntary Beneficent Euthanasia," in *Beneficent Euthanasia*, pp. 130-141.

5. In a perceptive essay, Harvard University Professor Arthur Dyck showed that four principal assumptions are at the heart of the ethics of beneficent euthanasia, namely: (1) a human being's life is at the disposal of that person to do with as he or she sees fit; (2) the dignity of the person by reason of his freedom of choice includes the freedom to kill oneself and to consent to being killed; (3) there comes a time when life has no worth either because of pain, suffering, or other distress; and (4) the supreme good is human dignity. See his "An Alternative to an Ethics of Euthanasia," in *To Live and To Die*, ed. Robert Williams (New York: Springer Verlag, 1972), pp. 98-112; see in particular pp. 100-101. I believe that these four assumptions can be reduced to the anthropological presupposition regarding the nature of the human person and the moral-methodological presupposition concerning the right way to make good moral judgments and choices.

6. "Personal," as opposed to "biological," life is the term most commonly used. However, Professor Jeffrey Reiman of The American University introduced the expression "biological life" in the same sense at a conference on "Euthanasia, the Rationing of Health Care, and Public Policy" sponsored by the Department of Philosophy and Religion of The American University, November 19, 1992. The present paper was originally given at that conference.

7. Joseph Fletcher, "The Patient's Right to Die," in *Euthanasia and the Right to Death*, ed. A. B. Downing (London: Peter Owen, 1969), p. 69.

8. *Ibid.*

9. Fletcher thus writes: "Physical nature — the body and its members, our organs and their functions — all of these *things* are a part of 'what is over against us,' and if we live by the rules and conditions set in physiology or another *it* we are not *thou* . . . Freedom, knowledge, choice, responsibility — all these things of personal or moral value are in us, not *out there*. Physical nature is what is over against us, out there. It represents the world of *its*." *Morals and Medicine* (Boston: Beacon, 1960), p. 211.

10. See his *Death by Choice* (cf. n. 4); "The Freedom to Die," *Commonweal*, August 11, 1972, reprinted in *New Theology Today* #10, ed. Martin E. Marty and Dean Peerman (New York: Macmillan, 1973); "A Catholic View of Mercy Killing," in *Beneficent Euthanasia*, pp. 34-43.

11. Maguire, "The Freedom to Die," pp. 188-189.

12. Kohl, "Voluntary Beneficent Euthanasia," pp. 132-133.

13. *Ibid.*

14. *Ibid.*

15. Fletcher, "Ethics and Euthanasia," *American Journal of Nursing* 73 (April, 1973) 674.

16. This is clearly brought out in "Ethics and Euthanasia," "The Patient's Right to Die," and in Fletcher's contribution to Kohl's *Beneficent Euthanasia*, "The 'Right' to Live and the 'Right' to Die," pp. 44-56.

17. Maguire, "A Catholic Case for Mercy Killing," pp. 39-40.

18. Maguire, *Death by Choice*, pp. 126-127.

19. This is the basic argument Maguire advances in *Death by Choice*, "The Freedom to Die," and "A Catholic Case for Mercy Killing."

20. Much of Kohl's essay, "Voluntary Beneficent Euthanasia," is spent in defending his position from the criticism that it is an "entering wedge" to justify other kinds of killing — the kinds of killing that Kohl himself repudiates as unjust. But the core of his argument is that euthanasia is justified because the choice to kill protects the greater good of human dignity, conceived as the ability to exercise intelligent control over one's life, from being lost. Biological life, as we have seen before, is for Kohl a much lower value.

21. According to the advocates of a "right to die" and of "beneficent" euthanasia, this distinctively personal component of human beings is absent in some members of the human species, namely, from those who, like the unborn and newly born, have not as yet developed the capacity to be aware of themselves as selves and to make choices, and from those who, like the irreversibly comatose, have lost this capacity. The absence of this capacity is what makes human beings like

this likely candidates for nonvoluntary euthanasia, when others can act as proxies and choose death for them if they are in such bad shape that one can judge that they would be better off dead.

22. It is obviously untenable for Christians, who believe that God, in creating man, male and female, did not create a conscious subject for whom he then, as an afterthought, fashioned a body to be used as an instrument. Rather, he created a being who is "living flesh," a bodily being utterly unique in kind because the principle making this being to be *living* flesh is a spiritual soul. But the human person is not a soul, but a bodily being, flesh (*sarx*), and when God sent his only-begotten Son to redeem his human creatures, his Son became flesh (*sarx*), suffered, died, and rose bodily from the grave so that those who believe in him can have hope that they too will rise bodily from the grave.

23. The philosopher Hans Jonas has put the matter this way: "My identity is the identity of the whole organism, even if the higher functions of personhood are seated in the brain. How else could a man love a woman and not merely for her brains? How else could we lose ourselves in the aspect of a face? Be touched by the delicacy of a frame? It's this person's, and no one else's. Therefore, the body of the comatose, so long as — even with the help of art — it still breathes, pulses, and functions otherwise, must still be considered a continuance of the subject that loved and was loved." *Philosophical Essays: From Ancient Creed to Technological Man* (Englewood Cliffs, N.J.: Prentice-Hall, 1974), p. 139.

24. Germain Grisez and Joseph M. Boyle, Jr., *Life and Death with Liberty and Justice: A Contribution to the Euthanasia Debate* (Notre Dame, IN: University of Notre Dame Press, 1979), p. 377.

25. Here the words of St. Thomas Aquinas in *Super primam epistolam ad Corinthios lectura*, XV, lec. ii, are pertinent: "Man naturally desires the salvation of his very self. Now although the soul is a part of the body of man, it is not the whole man. My soul is not me. Hence, although the soul might find salvation in another life, I would not, nor would any man whatsoever." It is for this reason that Christians believe in the *resurrection of the dead*. They also believe in the *immortality of the soul*, and believe that the souls of the just are in the blessed company of God. But the souls of the just need to be reunited with their bodies. The Risen Christ is the *first-fruits* of the dead, and when he comes in glory he will raise the bodies of his saints.

26. Grisez, *The Way of the Lord Jesus*, Vol. 1, *Christian Moral Principles* (Chicago: Franciscan Herald Press, 1983), p. 160. Here it is not possible to enter into a detailed explanation and defense of this critique of proportionalism. Grisez explains in detail the reasons why the two conditions set forth are indeed incompatible on pp. 152-153 of this book. For extensive critiques of proportionalism, in addition to that provided by Grisez in chapter 6 of *Christian Moral Principles*, see John Finnis, *Moral Absolutes: Tradition, Revision, and Truth* (Washington, D.C.: The Catholic University of America Press, 1991) and my own *An Introduction to Moral Theology* (Huntington, IN: Our Sunday Visitor, 1991), chapter 3.

27. Again, I cannot here develop this position more fully. More ample accounts of this way of making good moral judgments and choices are found, among other place, in Grisez, *Christian Moral Principles*, pp. 173-228 and in my own *Introduction to Moral Theology*, pp. 37-98.

28. See Yale Kamisar, "Some Non-Religious Views Against Proposed 'Mercy-Killing' Legislation," *Minnesota Law Review* 42 (1958) 970-1041; Grisez and Boyle, *Life and Death with Liberty and Justice*, pp. 149-183.

29. Here I have paraphrased the argument given by Grisez and Boyle, *Life and Death with Liberty and Justice for All*, p. 153. See pp. 154-158 of their book (which, unfortunately, has never received the attention it merits) for an extended defense of the argument.

30. Here I wish to repudiate a suggestion I made some years ago in an article, "Euthanasia vs. Benemortasia," in *Linacre Quarterly* (November, 1974). In that article I rightly opposed the ethic of euthanasia. However, I suggested the possibility that the "killing" of a person in intractable pain (e.g., a person trapped in a burning car from which it is impossible to remove him) might conceivably be regarded as "indirectly intended" or *praeter intentionem*, analogizing the situation to "killing" in legitimate self-defense and appealing to the teaching of St. Thomas in *Summa theologiae* 2-2, 64, 7. For many years I have realized that this suggestion was unsound and an

illegitimate effort to apply to this case the principle of double effect (for it is this principle which is behind Aquinas's analysis of "killing" in legitimate self-defense, when the *human act*, as specified by the object of choice, can rightly be described as "self-defense" and *not* as "killing"). However, I have not before formally repudiated the position taken in my 1974 article and thus wish to do so here.
