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Book Review

Death By Choice by Daniel Maguire: *Further Comments*

William E. May, Ph.D.

In the May issue of Linacre Quarterly, William May and Daniel Maguire debated some of the ethical implications arising from Maguire's book "Death by Choice." This paper answers Maguire's rejoinder and offers another look at the ramifications of "intentions."

In his rejoinder to my review of his provocative study (*Linacre Quarterly*, May, 1974), Professor Maguire stresses that the distinction between the directly intended and the indirectly intended is psychological in nature. Psychological considerations do, of course, enter into this distinction quite meaningfully. Nonetheless the distinction is not a casuistic means of helping men keep clean consciences (something that Daniel Callahan says in his book on abortion), but is rather a distinction that moralists have been led to make, as Paul Ramsey notes quite properly, because of their concern to be truthful to reality.

I can put it this way. Our intentions can relate identical physical activities to our moral identities in quite different ways. To change a tire for a stranded

motorist is a good deed if our intention is to help the motorist in his need. To change a tire for a stranded motorist is something quite different if our intention is to gain her confidence so that we can rape her later on. Thus intention is of critical significance in evaluation our moral deeds.

But, and this is the central point that I want to make, our intentions cannot make our actions mean anything at all, or anything that we want them to mean. There are, in other words, some things that we cannot *not* intend (in the sense that we directly and of set purpose will them) in and through our deeds. I submit that we *ought* not to intend in and through our deeds the destruction of true human goods, goods such as life, health, justice, friendship, peace. But frequently in life we are, as it were, damned if we do and damned if we don't. That is, no matter what we do some one is going to get hurt, some human goods are going to get hurt, some human goods are going to be destroyed. It is in these conflict situations that the principle of proportion-

ality *and* the distinction between the directly intended and the indirectly intended come into play. For a proportionate reason (i.e., some real and realizable good) we may do something that will, in fact, result in evil or cause evil. And Maguire, with McCormick, argues that the "doing of the deadly deed" is at times to be justified (e.g., in some instances of care for the dying, war, abortion, etc.) in terms of the proportionate good at stake (namely, human dignity and freedom).

I concur with Maguire that the doing of a deadly deed requires a proportionate reason or proportionate good. But I hold that it require *more* than this — and my problem with the position worked out by Maguire centers on his failure to insist on this *more*, for his methodology justifies the doing of some deadly deeds (and some that are not deadly) that are not, in my judgment, justifiable. This is where the distinction between the directly intended and the indirectly intended comes into play, and it is *not* merely psychological. To show why, let us take mutilation as an example. To mutilate a person is to do wrong to him, for it is to destroy his physical integrity, something really good for human beings. Consider now the doctor who amputated the leg of Teddy Kennedy's son. His act of amputation was, if considered from a behavioral or physical perspective, *directly* mutilating. Yet no one in his right mind would rush into the operating room and command the doc-

tor to stop "mutilating" the boy. The reason is twofold. First, the doctor, while foreseeing infallibly that his act would mutilate the boy (and hence "willing" the mutilation permissively), was not setting out to mutilate him — this was not within the scope of his intention. Mutilation was something that he knew infallibly would occur, and he permitted it to occur, for a proportionate reason: to save the boy's life. Second, his action was itself, as Ramsey would say, "targeted" not upon the mutilation but upon the saving.

The same is true of some instances of doing the deadly deed: in cases of self-defense and the defense of others (see *Summa Theologiae* II-II, 64, 7, and J. Glenn Gray's *The Warriors*, pp. 51-53). And the same is true, I believe, in some instances when death-dealing acts are performed in caring for the terminally ill or for those dying under excruciatingly painful circumstances. In such cases the death of a human being is *not* properly what one is *choosing* to do in and through his acts, nor is it what his action itself is targeted on or directed towards. In such cases one is choosing to perform, for a proportionate reason, an act that will do some good (achieve a proportionate good) while simultaneously, at least from the perspective of the agent and insofar as the deed lies within his power, effecting an evil: death. But neither the agent's intent *nor* the deed that he does is "targeted" upon the

death or evil that results from his activity. And the "direction" or "targeting" of the action is itself *not* something psychological: it is something that is, as Herbert McCabe puts it, "quasi public," that is, something that can be objectively determined. Yet this targeting of the action is central to understanding the difference between the directly and the indirectly intended. It is something really there, accessible to human intelligence. It is one of those "circumstances" of which Maguire speaks; it is one of the truth-making or reality-making factors that simply must be taken into account in evaluating the meaning of our moral deeds and the way they relate to our moral being.

By contrast, some of the deeds that Maguire would justify, for instance, some acts of terminating the lives of the dying and of abortion, can truthfully be described as acts of killing and as acts of feticide; in them one could reasonably rush in and cry, "stop killing that person" or "stop this act of feticide."

In brief, I think Maguire's approach justifies the doing of too much evil in order to achieve some real goods. I fear that his approach can properly be termed an ethics of intended good consequences (goods justifying deeds as proportionate reasons) or an ethics of good motivations (as op-

posed to objectively good intentions).

Frankly I do not think that Maguire has responded to the substance of my criticism of his methodology in his rejoinder. I submit that some of the deeds he would justify are properly describable as directly (in a moral sense) acts of killing, acts in which one of set purpose *must* set himself the good of life, must directly will its destruction because his *act* is directly targeted on death. On the other hand, many of the acts that he justifies under the rubric of suicide (e.g., the geriatric suicide of the Eskimos) are simply not suicidal at all, but are truthfully self-sacrificial, whereas others that he terms morally acts of killing are not so at all.

Maguire rightly notes my dependence on Grisez. But it is not only Grisez who has led me to the position that I take. In coming to it I have also learned much from Paul Ramsey, Thomas Aquinas, Herbert McCabe, and J. Glenn Gray. But principally, I believe (and trust that this belief is not self-deceptive) I take the position I do because of reality-making or truth-making factors discoverable in reality. I hope that I may have been able to point to these in my observations and that their significance has been communicated to the reader, whose patience I gratefully acknowledge.