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# Concrete Realism and Euthanasia: Some Reflections on Lisa Sowle Cahill's "A Natural Law Reconsideration of Euthanasia"

Robert J. Comiskey

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A recent article by Lisa Sowle Cahill ("A Natural Law Reconsideration of Euthanasia," *Linacre Quarterly*, February, 1977) was preceded by a brief statement in which the author and publisher invited comment on her consideration of this important topic. The following reflections are a brief response to that article. They are made with similar tentativeness, as this author also recognizes that the issue is far from settled.

Having carefully read Ms. Cahill's article, I find myself agreeing with her conclusion, viz., that there are circumstances where direct euthanasia could be a moral option, while at the same time, I feel that her presentation failed to come to grips with the most important specific concerns in this area, as well as stretching a principle to the point where it ceases to have much meaning. In the latter instance, I am referring to the principle of totality. In Pius XII's utilization of this principle, it is most certainly true that he was interested in both the physical *and spiritual* good of the whole person. Hence individual organs could be subordinated to the spiritual end of the person (p. 49). However, what was most central in the application of this principle was not subordination to specific ends as such, but rather subordination of the *part* to the whole.

In the euthanasia instance, one is not really talking about subordination of a part, but rather the destruction of the *whole*. One is not simply sacrificing a physical organism but the whole person. While biological life is not an absolute value, its *total* absence (as in the case of euthanasia) means, in fact, the cessation of the person. Persons are *embodied* beings. A failure to recognize this leads to a type of Cartesian dualism that one would hope is gone forever. Ms. Cahill writes, "The intention of the principle of totality is to respect and safeguard

the integrity and welfare of the whole human being." (p. 49). I would hasten to add that what was also intended by the principle of totality was that its application be in situations which were *life-saving*. Other situations where there was the possibility or actuality of death were covered more properly by the principle of double effect. To speak about sacrificing the *total* bodily existence for the sake of the whole person makes little sense in terms of contemporary theological or philosophical anthropology.

Instead of taking the route of trying to discuss this issue under the aspects of the principle of totality, one is certainly better off centering the debate on the principle of double effect, which has had a meaningful application in this regard, and is currently undergoing some re-examination. In Ms. Cahill's discussion of this principle, I would agree that the innocence or guilt of the aggressor is not the most appropriate context for discussing this principle (pp. 54-56). The crucial question was not the innocence or guilt, but rather the fact of the material aggression itself, viz., the threat to life. Furthermore, the most important element of this principle was the fourth condition, i.e., proportionate reason. And a crucial element of that condition was the question of short or long range consequences of such actions. Ms. Cahill cites Richard McCormick's objection to euthanasia (footnote 41) and asserts that "... the telling point in arguments for and against euthanasia is whether one believes that the future danger is so probable and so serious that it outweighs harm done or permitted in the present instance, or whether it in fact represents the lesser evil. Such an estimation is more a product of moral insight into human nature and moral responsibility than of rational deduction with probative force . . . ."

I would agree that the formal structure of the debate will center on the balancing of potential good for the patient and possible harm to others. However, while Ms. Cahill recognizes this when she writes, "There may exist a positive duty to support his desire to die, *if* no conflict exists with other overriding rights and duties," (p. 56) she does not spell out *what* those rights and duties might be. And this is at the center of all discussions on euthanasia. In other words, while centering on the crux of the problem in a formal way, she is not very helpful in fleshing out the *material* content of such rights and duties. *What* rights and duties are most crucial to the personal and social dimensions of euthanasia decisions? One must get down to specifics, or be lost in abstractions. It is the specific issue of balancing particular rights and duties that has become the focus of the debate today. This is borne out by looking at contemporary constitutional law discussions on the issue. The question here is not whether one might positively support a person's desire to die, but rather on the specific

reasons why the law has traditionally prohibited direct euthanasia. Some of these reasons are certainly paternalistic (protecting the person against a possible wrong decision), but the strongest arguments are those which look to the possible consequences for those either immediately or remotely related to euthanasia decisions. One finds arguments against the introduction of the *principle* of direct euthanasia into law, as well as arguments directed against specific problems in its *implementation*. In the former category, one needs to assess issues such as whether there is still a need for euthanasia due to advances in pain-killing drugs, the effects upon patient-physician relationship, etc. In the latter category, one ought to consider *if* and *how* abuses can be prevented, e.g., extending euthanasia from voluntary situations to involuntary ones, etc. It is only by addressing these specific issues that one can really get handles on the significance of the euthanasia question. And while, "such an estimation is more a product of moral insight than of rational deduction with probative force," one does need to assess moral insight and moral responsibility by considering the actual experience of "human nature" by seriously considering the history of moral experience in this regard. One good starting point for looking at this experience is through actual cases as they have been handled in civil law. This is not the only starting point. But at least one remains empirically grounded, and is able to get to the specifics, approaching the issue with concrete realism.

In summary, I would agree with Ms. Cahill that one can construct a good case for the approval of direct euthanasia in exceptional cases. I would also contend that most, if not all of the major consequentialist objections to this practice can be sufficiently answered so as to warrant its possibility. But it is these concrete objections that one must consider if the discussion is to be moved forward. While Ms. Cahill has been helpful in summarizing the developments in a formal way, she has not been very helpful in fleshing out that skeletal framework with concrete realism grounded in the actual practice of those most closely involved in euthanasia decisions.

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