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BOOK REVIEWS

The Singer-Affaire

by Hiram Caton, D.Litt., Director, The Bonhoeffer Institute

Euthanasie Heute - Thema oder Tabu?, special issue of *Analyse & Kritik: Zeitschrift für Sozialwissenschaften*, December 1990. [Euthanasia Today - Theme or Tabu?]

Till Bastian, ed., *Denken-Schreiben-Toten: Zur neuen "Eutanasie" - Diskussion und zur Philosophie Peter Singers*. Stuttgart: Wissenschaftliche Verlagsgesellschaft, 1990. Pp 142. Hardback 29 DM; Paper 23.50 DM. [Thinking-Writing-Killing: Toward the Recent Euthanasia Debate and the Philosophy of Peter Singer]

Sooner or later, the euthanasia movement in Europe has to collide, hard and publicly, with the memory of Germany's experiment with this ethically exotic concept. The issue was joined in 1988 when an anti-euthanasia coalition disrupted a rehabilitation congress in Karlsruhe; it ballooned into a national furor a year later. There have been further incidents since and the indications are that the antagonists have girded for a protracted struggle. The surprise is that the catalyst of the debate should be the Australian philosopher, Peter Singer. The special issue of *Analyse & Kritik*, and Till Bastian's edited volume report these incidents, and raise the interpretation of Singer's philosophy to an art form.

Analyse & Kritik promotes the use of analytic philosophy to clarify thought in the social sciences. The eight contributors to the special issue reflect this concern; they write in the utilitarian tradition but they are not uncritical of Singer's position on permitted killing.

The contributors to Bastian's collection, by contrast, are anxious that "under the cloak of progressive 'social technique'" ethics may have "crossed into the territory of inhumanity." The contributors are medical academics, all of whom have published substantially in medical ethics or related fields. The quality of scholarship and writing are impressive in themselves and are most unusual for a book reactive to an event.

Christoph Anstötz, a special education professor at Dortmund University, provides the background of the controversy in his *Analyse* article. We learn that education and rehabilitation of the handicapped in German universities was theoretically backward (he calls it "autistic") until he and like-thinking colleagues undertook to assimilate the large Anglo-American literature on care for the handicapped. Singer's *Practical Ethics* (available in German since 1984) came to light and Anstötz's students took it as a basic text. The transmission of ideas from Melbourne to Dortmund was enhanced by the fact that Singer was born to Viennese migrants and retains his mother tongue. Singer's deputy at the Centre for Human Bioethics, Helga Kuhse, is also an immigrant who maintains ties, especially with the German Society for Humane Dying, which for a decade has been in the limelight of the euthanasia debate. This Society promotes the Singer/Kuhse view (among others) on euthanasia to its 33,000 members. So in the end it was not so much Australians as expatriates who stirred the natives.

The dramaturgy of the Singer-Affaire follows the familiar pattern of the genesis of controversies. A provocation leads to an initial tremor; the shock waves reach the press; press reports create secondary tremors; bystanders flock to the action and journalists realize that the story is "good press." Within days the initial provocation has mushroomed to a national controversy.

The 1989 incident began when the anti-euthanasia coalition learned that Singer was among the speakers at a European Symposium on the mentality handicapped, convening at Marburg University in June. The coalition is comprised by several associations for the crippled and handicapped, some student associations, the German Society for Social Psychiatry, AIDS Help, some Green organizations, and several feminist groups. The moving spirit of the coalition appears to be Franz Christoph, a free lance writer who practices confrontation — from his wheelchair — of those whom he believes denigrate the handicapped.

Christoph insists that the handicapped cannot endure public discussion that “places their right to life in question.” The authors of Bastian’s volume concur. Robert Spaemann writes that the sanctity of human life is a “presupposition of humanity” and therefore “obviously may not be placed in question.” He cites with approval Aristotle’s dictum: “Whoever says that one may kill one’s own mother should not be answered with arguments but with blows.”

The coalition brought pressure to bear on the symposium organisers (Lebenshilfe and the Bishop Bekkers Institute) by holding meetings and demonstrations, protesting to government sponsors of the conference, and agitating with the press. The slogans on the placards were as provocative as they could be made to be: NO MURDER OF BABIES, THE AGED AND THE HANDICAPPED; BOYCOTT THE MURDER SEMINAR; FOR SINGER HANDICAPPED CHILDREN ARE HUMAN VEGETABLES; STOP INCITEMENT TO MURDER, and the like. The Federal Minister for Family Affairs took the point and informed the organisers she would not open the symposium if Singer spoke. Singer was disinvented shortly before the symposium was to convene. Agitation at the University of Dortmund, where Anstotz had invited Singer to speak, resulted in the cancellation of the invitation by a faculty board. Meanwhile the storm over the Marburg Symposium grew to such threatening dimensions that it was cancelled. Earlier this year Singer was to speak at the 15th International Wittgenstein Symposium, whose theme was Applied Ethics and Its Foundation. An Austrian association for the handicapped objected so strongly to his appearance that the sponsor cancelled the symposium because it did not wish to slight Singer by withdrawing only his lecture.

The Aftermath

No German academic association expressed concern about the denial of academic freedom, although the Aristotelian Society of Great Britain, prompted by R. M. Hare, issued a statement of concern, Anstotz found little support among his special education colleagues, some of whom joined a determined effort to have him dismissed from his post. The leading newspaper *Die Zeit* gave considerable space to both sides of the issue, attending particularly to Christoph’s argument that the euthanasia question must not be canvassed at all; and the Austrian television program “Panorama” aired a two hour discussion featuring Singer and his critics. In the end, as Singer points out in his contribution to *Analyse*, the coalition’s success in denying him a podium enabled him to reach millions through the media.

In view of such commotions and the prospect of their continuance, these volumes are valuable documentations of opinion from the nation that has suffered the trauma of a trial run with euthanasia.

The memory of that ethical disaster is emphasized throughout the Bastian offering. For these authors Singer’s philosophy is insidious because it is a copy of the euthanasia rationale adopted by the Third Reich. Singer and his associates emphatically reject this suggestion, insisting that the contemporary rationale for euthanasia is far removed from the Thirties. The difference highlighted by Singer and Kuhse is that the contemporary euthanasia is voluntary; its point of departure is “compassion and care” for the suffering and respect for patients’ “right of self-determination” in electing to terminate their lives. The Nazis, by contrast, designated certain health status categories for administered death, using criteria of social utility. “This is completely different,” they state, “from recognition

of the fact, that a life is less worthy than another *in the judgment of the person* [who makes the choice].”

Karl Rost's rebuttals of this defense make two points. One is that the Third Reich originated neither its rationale for eugenics nor for euthanasia, but took them whole from then current thinking. Eugenics and euthanasia apologetics were introduced into Catholic and Protestant hospital services, such as the prestigious Caritas, in the Twenties; and the appeal rested on the compassionate grounds invoked by Singer and Kuhse, on rationing and triage principles, and on social utility. The second point is that Singer and Kuhse, as utilitarians, *do* invoke the social utility sanction for euthanasia. To this end they promote a rational criterion of “life unworthy of life” independent of the wishes of any particular subject. They treat the criterion as self-evident, as in their statement (p. 125) that “every rational and compassionate observer must admit that there is life unworthy of life.” This applies particularly to life that, irreversibly unconscious, can make no voluntary choice of death.

For the critics, the use of the phrase made notorious by the Nazis — “life unworthy of life” — is the *ad oculos* demonstration of the continuity of the euthanasia rationale from the Twenties to today. They are set on edge by the arrogance of “self-appointed individuals” declaring on the basis of “superior rationality” who is and is not a person, and advocating the “lethal compassion” (as Klaus Dorner calls it) consequent to this distinction.

It is a major thesis of the Bastian book that the philosophical defense of euthanasia is not to be taken at face value. Contributors contextualize it within the broad tradition of utilitarian philosophy as a social technology for a society in which consumer choice and economic rationalism are prime system-supporting values (Dorner, Rost, Begemann). The euthanasia movement is a consumer demand masking a specific instance of capitalist society's “medicalization of social problems.” The problem is to reduce health care costs to the chronically ill and the handicapped; the solution is to stream them through the triage exit.

Further Considerations

There is considerably more in these offerings than can be indicated in a brief review. The freedom of speech issue — that perennially vexed question — is canvassed at length in *Analyse*, although the discussion perhaps suffers from want of a wider perspective on the many conflicts today between freedom of expression and the sensitivities of minorities to speech that offends them. Some of these minorities have succeeded in imposing censorship and politically correct language, using government and public opinion sanctions. If this be read as an outcome of legitimate interest group competition in a pluralist society, why should the handicapped and their allies refrain from using those same instruments to stigmatize their antagonists?

Singer and his colleagues appear to accept that stigmatization is now a *fait accompli* in Germany, where the very word “euthanasia” is taboo. They maintain that it isn't a good outcome because it strikes the posture of Denial. Like it or not, rationing and triage are facts of life in most medical systems, including that of Germany. Abstention from costly treatments from which there can be no patient benefit is now widely perceived to be a fundamental *ethical* requirement. Polls consistently show that the majority of intensive care medical staff approve euthanasia and that substantial numbers practice it (including, it seems, involuntary opiate-induced respiratory or cardiac arrest). While it may be arrogant for the philosopher to decree who is and is not a person, the fact remains that QALY is a complex application of quality of life judgments to hundreds of health statuses. So what's the fuss about? The Bastian collaborators alas do not pose this obvious question.

QALY is being administered under the prestige of the medical profession, with the additional softening effect of trust in one's personal physician. Termination of treatment decisions are made in private consultation with the patient and family, where the facts of a particular illness provide strong cues to choice. In that context decision does not often seem to be ethically problematic. But differences do occur and they are sometimes expressed in a

litigated case that throws decision principles into the public arena, abstracted from the clinical setting that give the principles their empirical meaning. The abstract principles, we know well, can be endlessly and passionately debated.

Facts Faced

Singer and Kuhse are provocative because they canvass before the public, in an abstract, general way, principles that are widely (if not universally) accepted in contemporary health delivery systems. The abstraction from the clinical context, and drive toward generality, embues their thinking with an ethically distinctive quality. For example, the presumption of a duty to care is rarely questioned in principle. But the philosopher questions the very sanctity of life: reversing the onus of proof, he demands good reasons for *not* killing. In his celebrated example of the friendless hermit as a potential subject of involuntary euthanasia (repeated in the *Analyse* volume), Singer reasons: "We are sure that his life contains more suffering than joy, and will get worse rather than better . . . there is nothing we can do to make his life go better, but we could kill him, painlessly, suddenly, without . . . anyone else knowing that he has been killed . . ." (p. 256). Substitute the "indigent terminal patient" for "hermit" and the example mirrors the "lethal compassion" being expressed every day in hospitals — "without anyone knowing." But inserted in the public domain as an abstract doctrine it alarms the handicapped, and there is no telling how far the anxiety about the intentions of doctors might spread.

A constructive outcome of the Singer-Affaire would be the overdue recognition that the killing function has been incorporated into medical practice with a good conscience. Singer explores this good conscience by giving merciful reasons for abortion, infanticide, and euthanasia. They are roughly the same reasons accepted by many medical practitioners. But there is a difference. The medical profession wants it both ways. It wants to practice killing, but it decidedly does not want a public image of itself as a killing profession. To the philosopher this is a shabby compromise. As an idealist who believes in the "expanding circle" of benevolence, Singer wants humanity to advance to a higher stage of moral maturation, where it acquires the courage to will life and death as moral choices. To the critics in the Bastian volume this is *deja-vu*: the Nietzschean hero emerges from the chrysalis of utilitarianism freed from the inhibition on killing, but recognizes the lethal aggression lurking in the heart of mercy killing. Once that thought occurs, the heroic will to shape the future destroys large numbers with good conscience and even moral fervor. This need not happen only under the banner of conquest. It can also happen, and is happening, under the banners of compassion, consumer demand and allocation equity. We appear to be launched irreversibly upon a Millian "experiment in living" with no certainty about the outcome.
