

**Life and Death
with
Liberty and Justice**

A Contribution to the Euthanasia Debate

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Joseph M. Boyle, Jr.

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This book is dedicated to

MARIE RITA GRISEZ, R.N. (1913–1936)

and to

MARY MCGUCKIN DEAN, R.N. (1898–1976)

and to all of the other members of the nursing profession who help persons who are ill, declining, and wretched to live with dignity even as they die.

Contents

PREFACE WITH ACKNOWLEDGMENTS	xi
1: INTRODUCTION	1
A. The Complexity of the Euthanasia Debate	1
B. Complex Factors Generating the Issues	4
C. The Mounting Burden of Public Welfare	6
D. A Proposal for Easing the Burden	7
E. The Future Social Insecurity of the Elderly	9
F. Killing as an Option No Longer Unthinkable	11
G. Public Confusion and the “Right to Die”	13
H. From Voluntary to Nonvoluntary Euthanasia	15
I. The Approach of This Book	18
J. The Task of the Movement for Life	21
2: LAW, LIBERTY, AND JUSTICE	24
A. The Purpose of This Chapter	24
B. Just Law and the Consent of the Governed	25
C. The Common Good	34
D. Justice as the Chief Common Good	39
E. The Relationship between Justice and Liberty	44
F. Liberty and Justice as a Sufficient Standard	46
G. Privacy and Liberty	50
H. Law, Liberty, and Morality	55
3: DEFINITION OF DEATH	59
A. Definition of Death and Euthanasia	59
B. Should Death Be Defined Anew?	62
C. The Harvard Committee’s Criteria	65
D. Death as Process or Event	67
E. A Stipulative Definition of “Death”?	68
F. Robert Veatch’s Analysis	71

G.	A New Proposal for Defining Death	76
H.	A Model Statute	78
I.	Criticism of Existing Statutes	80
J.	A Federal Definition-of-Death Statute?	84
4:	THE LIBERTY TO REFUSE MEDICAL TREATMENT	86
A.	“Euthanasia” and the Refusal of Treatment	86
B.	The General Primacy of Patient Choice	87
C.	Presumed Consent and the Physician’s Liability	90
D.	Limits of Patient Liberty	92
E.	Privacy and Refusal of Treatment	96
F.	Clarification of Standards a Partial Solution	99
G.	A Critique of Existing Legislation	100
H.	A Critique of Other Proposals	107
I.	A Model Statute to Protect the Patient’s Liberty	109
J.	Replies to Some Objections	118
5:	SUICIDE AND LIBERTY	121
A.	Introduction	121
B.	The Changing Law on Suicide	122
C.	Liberty and a “Right” to Suicide	125
D.	Restraints on Attempted Suicide	127
E.	Assisted Suicide	131
F.	Criticism of Some Present and Proposed Laws	134
G.	Recommendations for a Statute on Suicide	136
6:	VOLUNTARY ACTIVE EUTHANASIA AND LIBERTY	139
A.	“Voluntary Active Euthanasia” Defined	139
B.	The Present Law and the Basic Argument for Change	142
C.	Other Arguments by Proponents of Legalization	146
D.	Some Legitimate Interests Opposed to Euthanasia	149
E.	Argument against Legalization: Possible Injustice	153
F.	Legalization of Euthanasia and Liberty	163
G.	How Our Argument Differs from Yale Kamisar’s	168
H.	From Voluntary to Nonvoluntary Euthanasia	171
I.	From Individual Liberty to Public Policy	176
J.	Alternatives to Legalizing Voluntary Euthanasia	178
7:	KILLING WHICH IS CONSIDERED JUSTIFIED	184
A.	An Economic Argument for Nonvoluntary Euthanasia	184
B.	Killing in War	191
C.	Killing in Self-Defense	194

D.	Killing as Penalty	197
E.	Abortion as Legally Justifiable Killing	199
F.	Abortion for Health and in Cases of Rape	203
G.	Justifiable Killing in Cases of Necessity	207
8:	NONVOLUNTARY EUTHANASIA AND JUSTICE	214
A.	Introductory Considerations	214
B.	Proposed Criteria for Denying Equal Protection	218
C.	Critique of the Proposed Criteria	220
D.	Arguments Based on an Alleged Public Interest	225
E.	Injustice of Criteria of Selection for Euthanasia	229
F.	A Just Criterion: Membership in the Human Species	236
G.	Legalized Abortion a Violation of Justice	238
H.	The Nazi Experience with Euthanasia	242
I.	Concluding Remarks	247
9:	JUSTICE AND CARE FOR THE NONCOMPETENT	251
A.	The Need for Legislation	251
B.	Inadequate Solutions Criticized	256
C.	Toward a Solution: The Demands of Justice	259
D.	Inevitable Economic Limits and Justice	263
E.	Nonsuicidal Reasons for Refusing Treatment	266
F.	Reasonable Presumptions for the Noncompetent	269
G.	Application to Cases of Defective Infants	272
H.	The Case of Miss Karen Quinlan	273
I.	The Case of Mr. Joseph Saikewicz	275
J.	The Proper Locus of Decision-Making Authority	277
K.	Criticism of Arkansas and New Mexico Statutes	281
L.	The Decisions in Quinlan and Saikewicz Criticized	283
M.	Outline of an Adequate Statute	289
10:	THE CONSTITUTION, LIFE, LIBERTY, AND JUSTICE	298
A.	Liberty and Justice in Jeopardy	298
B.	Every-Human-a-Person Amendment	305
C.	Need for Protection of Liberty	313
D.	Life, Liberty, and the Education Establishment	320
E.	Freedom of World View Amendment	331
F.	Concluding Practical Considerations	334
11:	THEORIES OF ETHICS	336
A.	Why Ethical Reflection Remains Necessary	336
B.	Some Less Plausible Theories of Ethics	337

C.	Consequentialism: A Plausible but Inadequate Theory	346
D.	Legitimate Uses of "Greater Good"	355
E.	A Nonconsequentialist Theory: Human Goods	358
F.	How Morality Depends upon the Human Goods	361
G.	How the Principle of Morality Shapes Obligations	368
H.	Human Life an Intrinsic Personal Good	372
12:	MORAL RESPONSIBILITIES TOWARD HUMAN LIFE	381
A.	The Distinction between Acts and Results	381
B.	Actions and Performances Distinguished	390
C.	The Morality of Killing: General Considerations	392
D.	Killing in Self-Defense	394
E.	Killing in War and Capital Punishment	396
F.	Abortion: Usually Killing in the Strict Sense	401
G.	Suicide and Causing One's Own Death	407
H.	Active Euthanasia: Voluntary and Nonvoluntary	412
I.	Omissions, Killing, and Letting Die	414
J.	Nontreatment and Refusal of Treatment	417
K.	The Morality of Helping: General Considerations	422
L.	Responsibilities of Moral Guides	429
M.	Responsibilities of Service Personnel	433
N.	Responsibilities of Nurses	435
O.	Responsibilities of Health-Care Institutions	437
P.	Responsibilities of Citizens at Large	439
13:	JUSTICE AND THE ETHICAL FOUNDATIONS OF JURISPRUDENCE	442
A.	Introductory Remarks	442
B.	Utilitarianism and the American Proposition	443
C.	The Correct Relationship between Morality and Law	449
D.	Respect for Life Not an Independent Principle	458
E.	The Adequacy of Justice	461
NOTES		464
INDEX		509

Preface with Acknowledgments

In 1970 one of the authors of this book, Germain Grisez, published a work on abortion: *Abortion: The Myths, the Realities, and the Arguments*. In some respects the present work updates and extends the earlier one. However, the euthanasia debate is far more complex than that concerning abortion. The chief contribution we hope to make by means of the present book is to clarify the issues and examine the arguments in the rather confused euthanasia debate.

We hope that this book will contribute to the protection of life. At present there is considerable confusion among the friends of life; to some extent they are working at cross purposes. We hope that our work will provide a unified strategy for defending human life as effectively as possible: with a jurisprudence basing its arguments squarely upon liberty as well as upon justice, in accord with the American ideal of liberty and justice for all.

This book is complicated in various ways, and so readers may find parts of the work useful even if they do not wish to study the whole of it. Many different topics are treated. The table of contents together with the index will help locate topics in which a particular reader is interested. Topics dealt with in a jurisprudential mode in chapters three through nine are considered again from an ethical point of view in chapter twelve.

In the jurisprudential chapters the question toward which inquiry focuses is: What ought the law to be on this matter? Topics are considered systematically, beginning with a clarification of the issue, a criticism of various positions, formulation of criteria for a sound resolution, and—in many chapters—very specific proposals concerning what we think the resolution ought to be. Some readers might be interested in little more than our criticisms of other positions; others will press further with us. We believe that few who are interested in the subject matter will find the book wholly disappointing, although we do not expect anyone to be completely satisfied with it. We are not *completely* satisfied with it ourselves.

There are many questions in the fields of medical law and medical ethics which we consider outside the field of this study. We are not concerned with

problems concerning experimentation, with issues concerning honest communication between physicians and patients, with the fairness of the health-care system as such, or with problems about the nonmedical care of dependent persons. The problem of legal competency is relevant to this study, but a good treatment of it would take us too far afield, and so we decided to leave this topic to others. Our central concern is with euthanasia. We consider other matters only insofar as they relate in one or another way to euthanasia.

Research on this book was substantially completed by August 1, 1977. Few new items were examined after that date. Moreover, the volume of materials covered was so great that in many cases we found it necessary to set limits to our research which will strike specialists in a given area as quite arbitrary. Our only apology is that this book is the first really comprehensive examination of the whole set of issues in the euthanasia debate.

Readers may wish to know which of the coauthors contributed what to this book. The project originated in a contribution which Grisez wrote by himself for the anthology edited by Dennis Horan and David Mall: *Death, Dying, and Euthanasia*. After completing his own essay and reading the anthology as a whole, Grisez decided that a more adequate, systematic treatment of the jurisprudence and ethics of euthanasia and related questions is badly needed. After collecting much material and forming some initial ideas, but with little plan for the organization of the book, Grisez sought Boyle's help in working out the outline and all the main arguments of the book. This was done in a fully collaborative effort. Since the primary business of philosophers is to argue issues, the work became a collaboration at this point.

Grisez then completed almost all of the research and much of the drafting by himself, although Boyle gave a substantial assist to drafting chapters eleven and twelve, and to redrafting certain other chapters and sections. The coauthors worked together over the first draft of chapters one through ten. At this point, the rectification of mistakes and the amendment of arguments was fully collaborative, with a more substantial contribution by Boyle. Finally, Grisez put the manuscript into shape for publication. Boyle did not examine the final version, which embodies some minor changes, before it went to press. Thus, while both coauthors share responsibility for the work as a whole, some propositions and arguments in it were not authored by Boyle; for them Grisez alone is responsible.

The debts incurred in the production of a work of this sort are many and various. The Canada Council and Campion College provided generous financial support for the research. Campion College also permitted extensive use, without charge, of stationary and copying facilities.

Joseph McPherson, a very capable student of law at Georgetown University, provided law-clerking assistance. Many individuals gave advice, provided materials, or contributed helpful comments on one or another chapter

or section. Among them were Carl Anderson, William B. Ball, Virgil Blum, Robert M. Byrn, Francis Canavan, Philip Devine, Randy Engel, John M. Finnis, James McHugh, Robert G. Marshall, Marjory Mecklenburg, Albert Moracezewski, Richard Stith, and Robert M. Veatch.

The librarians at the University of Regina, Georgetown University, Georgetown Law Library, Catholic University Law Library, Library of Congress, and the specialized library of the Kennedy Center for Bioethics at Georgetown were very helpful. Of all the librarians those who staff the interlibrary loan service of University of Regina are most to be commended. Without their very efficient work this volume simply could not have been done. The MEDLARS service of National Library of Medicine also made an important contribution to the research.

Last but not least, Barbara Boyle and Jeannette Grisez supported the project in many ways and suffered it with nearly inexhaustible patience. The latter also typed the final manuscript, helped to prepare the index, and helped with proofreading.

Germain Grisez has enjoyed the friendship and support of Campion College and all its members since 1972. This will be his last publication as a member of this community of scholars. He hopes that his colleagues will find enjoyment and profit in this work, which their friendship did much to nurture and encourage.

Campion College, University of Regina
8 May 1978

Nelson Mandela was a "bright beacon of liberty and justice shining across the world", said MP and lifelong anti-apartheid activist Peter Hain. The Neath MP learned of his family friend's death at the age of 95 while attending the royal premiere of a film about Mr Mandela's life. His tribute was just one of dozens paid in Wales on Friday. Nick Palit reports. *Life and Death with Liberty and Justice*. By G. Grisez and J. M. Boyle. (Pp. 522; £12.00.) University of Notre Dame Press: London. 1979. - *Who Should Know What?* By J. A. Barnes. (Pp. 232; £7.50.) Cambridge University Press: Cambridge. 1980. - *Ethical Dilemmas and Social Science*. By P. D. Reynolds.