

The Linacre Quarterly

Volume 47 | Number 2

Article 8

May 1980

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Recommended Citation

Sherlock, Richard (1980) "Public Policy and the Life Not Worth Living: The Case Against Euthanasia," *The Linacre Quarterly*: Vol. 47: No. 2, Article 8.

Available at: <http://epublications.marquette.edu/lnq/vol47/iss2/8>

Public Policy and the Life Not Worth Living: The Case Against Euthanasia

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In several recent articles in *Linacre Quarterly*, Lisa Cahill has offered an interesting defense of euthanasia from what she conceives of as a "natural law" point of view.¹ In her discussion she presents a novel interpretation of St. Thomas which leads to a revised understanding of the principle of totality and a consequent justification for sacrificing a temporal, bodily good on behalf of a trans-temporal end, the well-being of the "whole person" especially as this "person" is religiously conceived of as a soul.

The argument presented for this viewpoint is quite simple and Ms. Cahill is hardly the only one using it. Unfortunately, it is deeply flawed in two fundamental ways.² It begins with a serious misinterpretation of St. Thomas.³ As a result of this error the argument ignores the connection between private and public virtue and the consequent powerful argument against euthanasia as a publicly allowable act or policy. Each of these two points will receive comment below, but first we must briefly review the argument at stake.

One version of the general argument is made in the following form:

1. The "whole person" is more important than the body.
2. The welfare of the "whole person" therefore transcends the welfare of the body.
3. In some cases the welfare of the person is harmed by continual life in the body.
4. Therefore, in some cases euthanasia is morally permissible.

Essentially, this argument asks us to take seriously the transcendental end of the human person and to judge human activity in general and individual acts in particular in light of this end. "Totality" is thus enlarged from its narrow meaning in the manualists to include a "wholistic view of the person that is much more plausible and more theologically sound than that found in the older manualist tradition with its heavy reliance on physiological categories."⁴

As applied to euthanasia issues, however, the above argument is quite defective. First, on the question of the interpretation of Thomas we must note several things.

1. Thomas would never hold proposition 2 in a blanket form. He says quite clearly that suicide is *never* permissible. Using the terminology of “intrinsically” evil (which is basically manualist, anyway) just obfuscates the issue. What we want to know is whether and under what conditions the act in question is morally permissible, and on the question of suicide Thomas is unmistakably clear.⁵

2. The key weakness in the argument is the move from 3 to 4. This is a move that Thomas would never make, at least not as it is stated above. He would need to know all of the moral categories that should be applied to an act and he would need to be convinced that none of these categories, when applied to the act in question, led to its being morally impermissible. It will do us well to briefly try this ourselves.

In a Thomistic context euthanasia would most directly fall under the category of justice. To be sure, the other “self regarding” virtues are relevant, but since euthanasia is principally an act involving a patient and his physician it properly falls under the province of justice as the one virtue that regulates interactions between persons.⁶ For Thomas, however, justice has two different forms or aspects, a fact that many of these modern interpreters have overlooked.

The first form is the more common *jus* involved in the interaction between two specific persons. If a patient contracts with his or her physician to pay him for certain services (say, removal of a breast lump) then a certain *jus* exists between them, and justice demands that the physician perform the services he has agreed to perform and that the patient pay accordingly.⁷

The second form of justice is what Thomas calls “general” or “legal” justice. In this regard he explains its meaning in a key passage:

Accordingly justice in its proper acceptation can be directed to another in both these senses. Now it is evident that the individuals in a community stand in relation to that community as parts to a whole while a part as such belongs to whole so that whatever is the good of a part can be directed to the good of a whole. It is therefore that the good of any virtue whether such virtue direct man in relation to himself or in relation to certain other individual persons is referable to the common good to which justice directs: So that all acts of virtue can pertain to justice insofar as it directs man to the common good. It is in this sense that justice is called a general virtue. And in the sense that it belongs to the law to direct to the common good . . . it follows that the justice which in this way is styled general is called legal justice. . . .

Consequently there must be one supreme virtue, essentially distinct from every other virtue which directs all the virtues to the common good and this virtue is legal justice.⁸

What Thomas says here can hardly be missed by the perceptive reader. He maintains that human life and activity occur within a

specific political-social context: "*Homo naturaliter est animal sociale.*"⁹ Given this truism, Thomas then argues that one category under which all human activity must be judged is the impact of such activity on the *common good* of the political regime within which that activity takes place.¹⁰ An action that violates the common good of that society cannot be permitted morally no matter how well it might square with the other virtues. What must be stressed is that this is still a *moral judgment*. We are still in the context of justice as a specific virtue regulative of human acts. Quite simply, Thomas would never maintain that an act could be morally permitted yet remain legally proscribed on "public policy" grounds. If an act would be harmful or wrong as public policy then Thomas is quite clear: it is not a morally permissible act.¹¹

The above is simply a theoretical restatement of Thomas' position. Essentially he asks us to reject the facile separation of public policy and private morality that is common in our own day. He asks us to consider the possibility that what we do in the concrete affects the whole within which we live as well as determining the kind of moral beings we will be in the future. If we are to be just as human beings then we must live in a just community — one that we maintain by our adherence to the principles of justice.

Essential to Understand Framework

It is essential to understand the above framework if we are to form any kind of reasonable approach to the question of euthanasia on Thomistic principles. If one overlooks the implications for the common good of euthanasia as a policy one is easily driven to reach conclusions that are dubious or simply incoherent when such considerations are added. It seems to me that it is at this point that arguments similar to those presented by Ms. Cahill fall apart.

As it is stated, the argument asks us to accept the proposition that there are some lives not worth living any more. It is obvious that this sort of judgment must be made in the context of decisions to withhold treatment or induce death, but the full implications of this most awesome judgment are not obvious and are often ignored. Two implications of this judgment need to be amplified.

First, the policy demands of us a public judgment that some ongoing human lives no longer merit the most minimal of civic rights normally enjoyed by all other citizens.¹² Secondly, it demands of us that this judgment be one that can be fairly applied by anyone to determine whether or not another person has or lacks the "life worth living."¹³ We can best explicate the significance of both of these points by examining a series of cases as follows:

Case I. A patient asks his physician to withdraw life-saving therapy. Now the physician is hardly going to automatically accede to this request. He will recognize that any number of factors from momentary anguish or financial worries to actual clinical depression may intervene as a contraindication. As a seriously concerned moral agent, he will ask what *he should do*, not just what the patient wants. He will thus be concerned to decide for himself if this patient's request is at all reasonable, i.e., would it be reasonable for a patient in this condition to conclude that life is no longer worth living.

Case II. The parents of a newborn with abnormalities which would lead to retardation and physical handicaps ask that the newborn not be treated. Again, the doctor will ask what he should do, not just what the parents want. Surely he will not accede to a request from a Jehovah's Witness to withdraw transfusion from a perfectly normal child. If he will not, then it is clear that he will need to *decide* in which cases he is going to honor the request of the parents and in which cases he is not.

Physicians Must Make Judgment

In both of these examples the physician is going to have to make an independent judgment that the life in question is one that is not worth living anymore. He will need to judge that in the instant case the right of the person to expect the physician to save his life, to not have his death engineered by others, is not to be respected. In other words, the most primeval of our civic rights — the right to have life protected from those intrusions of others that are designed to end it — is here to be set aside. Secondly, this judgment must be a public judgment which could be fairly applied to all other cases. What could be more unfair than to decide that you know what the grounds are for this most final judgment and then be unwilling to deny this great good to all others who "deserve" it. Consider two infants with the same abnormalities. It would be the worst injustice to decide that in the one case you will let an infant die on the basis of a parental request and yet in the other case "burden" the infant with continued life merely because the parents want this.¹⁴ If the physician, as an independent moral agent, has decided that he has the wisdom to make such a judgment then he ought to have the courage to apply his judgment justly.

What the physician is asked to do in the above cases is to violate a normal prohibition against bringing about the death of another person, whether by actively inducing death or by withdrawing those things the person needs to sustain life. Any such policy recommendation requires the formulation of a set of publicly announced standards

or criteria by which we can know which lives are so worthless that they no longer merit the most minimal protections afforded to all other citizens. Failure to provide such a standard is an open door to the worst abuses of an arbitrary grant of this awesome discretionary power — the power to decide that one human being has a life so devoid of worth or quality that he no longer merits the protections we all take for granted. As Phillip Heyman and Sarah Holtz have recently written:

It is not obvious there is one form of words or concepts available for defining who is to be a full member of a society that promises greater permanence in the face of changing political views and more consistent application by large numbers of individuals than another form of expression. But if there is, surely there is an immense social advantage to adopting the more permanent, more readily applicable form. Clear, lasting lines have an immense social advantage in defining those who are to be considered fully human and protected members of our society and excluding those who are not. A sense of security and acceptance which underlies the very concepts of rights and self respect and which is a precondition of human happiness, depends upon knowing when one or a member of one's family is a fully protected member of the community. Society should be and is prepared to pay a great price to define person-hood with considerable clarity. Neither doctor, nor parents nor courts nor even legislatures should be entrusted with discretionary decisions as to whose life can be taken with impunity. Recent history is too full of examples of abuse of that discretion.¹⁵

Furthermore, failure to provide such a standard, or providing only a vague and open-ended one violates some of the most primitive norms of moral discourse: 1) that a normative recommendation ought, when generalized to all relevantly similar cases, lead to acceptable conclusions and 2) exceptions to a normative principle or rule ought to be framed in such a way that the exceptions do not destroy the force of the rule.¹⁶

The immense difficulties of formulating a set of criteria that will avoid these problems has never been squarely faced by the partisans of euthanasia policies. Time and time again we are confronted with vague claims about "death with dignity" or even more arbitrary and ill-conceived standards that can hardly be generalized, even in a modest way.¹⁷ As one example of these deficiencies, consider the current discussions of involuntary euthanasia of "defective newborns."

Since so much effort has gone into the discussion of the treatment for severely defective newborns, one might suspect that clear, reasonable guidelines might have been developed that avoid the problems to which I am pointing. Unfortunately, this seems to be a vain hope. When we turn to this literature, we find a plethora of hopelessly vague claims and an assortment of actual policy proposals as incoherent and inapplicable as would be a proposal to reintroduce slavery. Examples are numerous. Some writers have claimed that infants lacking any

ability or potential to "relate to others" ought to be candidates for death.¹⁸ Of course they never tell us how much or how little of this ability is required since, if the level is set even modestly high, we wind up with frightening advice about what to do with illness in thousands of severely retarded persons and if even the smallest amount of the potential qualifies, then the policy is self-defeating since almost any infant would qualify.¹⁹ Others have focused on the presence of severe retardation alone, again with no attention to what this means if fairly applied to all other retarded persons, nor with any rationale beyond circular claims about "burdensomeness" for why we should consider retardation so important.²⁰ Still others have focused on the presence of multiple handicaps such as non-ambulation, bowel incontinence, blindness and/or retardation, without of course telling us what relation any of these handicaps has with a life not worth living nor confronting what such a policy would mean for all other persons similarly situated.²¹ Finally, one writer seems content with telling us that some defective infants will be great burdens on their families.²²

It seems obvious that until we are given reasonably precise, coherent and generalizable criteria for deciding that one human life is no longer worth living, the policies under review in cases 1 and 2 will fail even the most minimal test of rationality and fairness. This criticism ought to be sufficient to put to rest the argument so far presented on behalf of such views. In the last section of this essay, however, I would like to suggest an even more far-reaching point: that the search for such criteria represents an ultimate perversion of the liberal principles on which our regime was founded and that until we contemplate endorsing a fundamentally different sort of polity the idea of "life not worth living" ought to be as much of a "closed question" insofar as public policy is concerned, as slavery has become.²³

Pretense or Arbitrariness

The proposition that there is such a thing as a life not worth living amounts to the claim that some human lives are not to be protected by the normal constraints which protect the rest of us in our everyday lives. More specifically, this is either a pretension to have a type of knowledge that our society always has denied it possessed or else it is merely an example of the worst and most nihilistic arbitrariness. To state the second alternative is to refute it, so we will consider the first briefly.

The claim to this sort of knowledge represents a systematic rejection of the compromise found at the heart of liberal political philosophy and embodied in the founding documents of the American regime (The Declaration of Independence and the Constitu-

tion).²⁴ Philosophically speaking, this compromise was constituted by a turning away from the ancient concern for virtue as the end of political life. As philosophers, the founders of liberalism were skeptical of any such claims to know the ultimately good and worthwhile life in a definitive and politically applicable manner. As students of history and political affairs they knew even better how often such pretensions can be abused. They had too many memories of the Star Chamber, the Inquisition, or bills of attainder. As students of biblical and ancient history they knew what happened to the wise Solomon and the fate of Rome after the genius of Augustus.

Founders of Liberalism Sought New Regime

The founders of liberalism thus sought to construct a regime which would close off the possibility of a philosopher-king as the price for avoiding the unrestrained rule of a Nero or a Claudius.²⁵ They sought a regime which abstracted from any attempt to set forth the knowledge of the ultimately worthwhile or worthless life. Such knowledge was not within human purview and to pretend that it was only led to the worst results both for individuals and for the political communities in which they lived.

Since such knowledge was not politically available, liberal regimes have historically asserted that every life was of equal political worth, especially with respect to the most minimal of civic rights. All men were endowed with the minimal rights of "life, liberty and the pursuit of happiness," and the role of politics was reduced to preserving persons in the exercise of these minimal rights, nothing more.²⁶ In this sense we might generally say that the belief in human equality vis-a-vis the ends of politics is the *sine qua non* of liberal regimes. However, the two constitutive features of our regime, liberty and equality, cannot be separated. The liberal commitment to human freedom renders necessary the protection of the equal minimal rights of every person. The reverse is just as true. Only a commitment to the equal basic worth of every person renders coherent the commitment to liberty. If it is really believed that someone has a life not worth living, then those who supposedly "know" this know something about what makes life ultimately worthwhile, which should be given appropriate shape in public policies restricting freedom and preventing the burdening of some beings with continued life. Surely if we really are convinced of our knowledge in this matter, then the most inconsistent and unjust thing to do would be to deprive the rest of us the benefits of laws based on this knowledge — laws that will restrict our freedom to define the worthwhile life for ourselves.

Liberal regimes are thus committed to the principles of liberty and equality as constitutive of their very essence. Though they do seek to

foster the widest possible scope for individual liberty to pursue idiosyncratic ends and private pleasures, they also deliberately close off those policy alternatives that conflict so deeply with their very essence that to permit them is to pervert the very meaning of liberalism beyond any conceivable degree of mere accommodation to historical circumstance. It is these constitutive principles of liberal regimes, embodying their specific genius, that transcend the matrix of private passion and political discussion they foster and protect. Insofar as these principles are concerned, the liberal citizen is not free to act in ways destructive of the very essence of the polity; he is not free to enslave another or sell himself into slavery nor is he free to treat another as if he were an animal, conducting risky or lethal experiments on those he considers to be worthless or bestial. Even the great liberal, Mill, recognized that one ought not to be free to sell oneself into slavery, no matter how happy one might be enslaved.²⁷

This dialectical truth at the heart of liberalism that Mill seems to have obliquely realized — that some policy questions must remain “closed” even in a liberal regime — was given a most profound articulation in America by Abraham Lincoln. In the turbulent decade before the Civil War, Lincoln engaged in a remarkable series of public debates and speeches as penetrating in their content as any public messages in our political experience. The deepest meaning of his message bears remembering here.²⁸

Very briefly, Lincoln argued that the real evil in slavery was not its denial of liberty, as egregious as that might be. The real issue was that a policy of slavery ended up treating one ostensible human being as if he were not a human being at all. Slavery did not just deny to one person the rights and privileges enjoyed by another. It ended up asserting that the enslaved had no political rights at all. In political terms the enslaved had been reduced to an animalistic existence, deprived of even the most primitive and inalienable rights with which other men are supposedly endowed. This was the worst evil of slavery. It denied the status of the slave as one whose freedom and civil equality were to be protected. The slave was no longer human; he was now a “brute” in Lincoln’s words. Not being human, he had no liberty and no civil status from which to claim his equality and liberty and to challenge those who denied either one. In one of his key addresses he put the point succinctly:

I ask attention to the fact that in a prominent degree these popular sovereigns are at this work: blowing out the moral lights around us, teaching that the Negro is no longer a man but a brute, that the Declaration has nothing to do with him, that he ranks with the crocodile and the reptile, that man with body and soul is a matter of dollars and cents. I suggest to this portion of Ohio Republicans, or Democrats if there be any present, the serious consideration of this fact that there is now going on among you a steady process of debauching public opinion on this subject.²⁹

Lincoln knew the dialectical truth of liberalism that we have forgotten. Amid the pressures to amend our social rules and create different forms of social organization, the principles embodied in constitutions and charters of government must transcend the political matrix of free action that these very principles protect. These principles define the very essence of our life together as a people. They seek to give us a vision of our ultimate commitments as a society and define for us who counts as a member of this society. To ignore these principles is not only to ask that they be changed in their particulars, but also to ask for a fundamentally different sort of regime, a question few of us are really prepared to ask.

Specific Questions of Euthanasia Debate

This is the only appropriate place to begin to consider the specific questions of the euthanasia debate—to recognize that once we decide that one ongoing human life is not worth living, we have taken a momentous step. We have declared our independence from our past, as it were, and decided that for this one life, Lincoln's proposition that the American regime was "dedicated to the proposition that all men are created equal" is not true. Furthermore, we have decided that we, the "normal," the "healthy," know how to tell when the life of another moves over that line which marks the existence of the rest of us as beings worthy of protection from the machinations of others.

To say, as Ms. Cahill and others do, that their recommendations are made "in accord with the full human dignity and value of the dying individual" is simply incoherent.³⁰ In political terms, the dignity of the individual is usually expressed in prohibitions against activities of the sort these writers now wish to sanction. *Prima facie*, these same prohibitions ought to apply as measures of our commitment to the worth of these individuals. Why don't they? Because these individuals supposedly lack the worth that all the rest of us have, the worth that makes our polity value and protect us. In political terms, no better definition could be had of trying to read someone out of the human family. Such is the logical outcome of these arguments.

It will perhaps be said that the above argument is defective because it relies on a "wedge" claim that predicts social disaster if a first euthanasia step is taken. Since we have no reason to suppose that all physicians are as depraved as the Nazis, my argument will not work. This is a gross misunderstanding of my point. I have no such prescience as this and I am not claiming to predict the future. What I am claiming is that all policies for engineering the death of some ongoing, savable human lives logically involve one fundamental judgment that represents a radical departure from our most cherished principles. Secondly, I am claiming that the most primitive requirements of moral

discourse lead us to conclude that the policies we have so far seen developed in the literature would logically apply to thousands of persons who are also debilitated, retarded, handicapped, etc.³¹

The argument I am making does not predict the future. It asks what is the logical outcome of the proposed policies. It assumes that the proponents of these policies wish them to be applied fairly and asks what this would mean for thousands of other persons similarly situated. If the proponents wish to give up the requirement of fair application then they must come forward with a compelling case for doing so. Until then, the logic of their arguments leads them in ways in which I seriously doubt any of them are prepared to go.

In the last decade the problems of "euthanasia," of "death with dignity," and of withdrawing care from the defective and the debilitated have become a focus of national debate. Yet when all the clamor has stopped, the intractable problems for the devotees of these views remain. We are still in need of clear, coherent and applicable criteria for deciding just when a person is a candidate for death. We are still in need of criteria that will not logically lead to frightening results if applied fairly to all those similarly situated. Finally, the search for such standards still involves us in that historic break from the liberal tradition of respecting the minimal rights of every person equally.

In his finest piece of political rhetoric, Lincoln reminded us that our regime was "dedicated to the proposition that all men are created equal." As he well knew, the ultimate perversion of that belief was the assertion that some men were so superior they could decide to treat others as if they were not equal even in the most minimal of political senses. Might we not see another example of this pretension among those who now wish to endorse as a final solution to the problems of the helpless and the debilitated a policy which ends in claiming that some human lives are not worth protecting and sustaining anymore?³²

REFERENCES

1. Cahill, Lisa Sowle, "A Natural Law Reconsideration of Euthanasia," *Linacre Quarterly* 44 (Feb., 1977), pp. 47-63; Lisa Sowle Cahill, "Comments on Euthanasia," *ibid.*, Nov., 1977, pp. 299-300.
2. See especially Bernard Haring, *Medical Ethics* (Notre Dame: Fides Press, 1973), pp. 120-149; Daniel Maguire, *Death by Choice* (New York: Schocken Books, 1973).
3. I believe that there may be several errors in the interpretation of Thomas in these articles as pointed out in James Colbert, "Euthanasia and Natural Law," *Linacre Quarterly* 45 (May, 1978), pp. 187-198. Colbert, however, does not discuss what I believe is the most serious interpretive error, the one I discuss here.
4. This version of the totality principle has become quite popular in recent

years but the best discussion of it is still the seminal essay by Martin Nolan, "The Principle of Totality in Moral Theology," *Absolutes in Moral Theology*, ed. by Charles Curran (Washington, D.C.: Corpus Books, 1968), pp. 232-248.

5. Aquinas, Thomas, *Summa Theologica*, II-II q. 64 art 5; on Thomas's discussion of suicide see the penetrating study by David Novack, *Suicide and Morality* (New York: Scholars' Studies Press, 1975), pp. 43-82.

6. On the general contours of the doctrine of *jus* in Thomas see *Summa Theologica* II-II q. 58 *passim*.

7. On the primacy of *jus* in Thomas see especially Elmer Gelinas, "Jus and Lex in St. Thomas," *American Journal of Jurisprudence* 15 (1970), pp. 154-171.

8. *Summa Theologica* II-II q. 58 art. 5 and q. 58 art. 6 ad. 4.

9. See *De Principe Regimīne* and especially his assertion at *Summa Theologica* I-II q. 96 art. 4 that even had man not fallen from his state of innocence, political regimes would have been necessary (also cf. I-I q. 92 ad. 2; II-I q. 72 art. 4) as well as his assertions in his commentaries on Aristotle's *Ethics* and *Politics* about the naturalness of political life to man.

10. I am using the term "common good" deliberately because in Thomas it has a very precise meaning and one that is far removed from the nihilistic implications of the modern term "public interest" as a mere aggregate of individual, private interests.

11. This erroneous separation may be maintained by Ms. Cahill in her last letter to *Linacre*, 44 (Nov., 1977), p. 299. She admits there that "concrete objections" to euthanasia may still be valid independently of the validity of her argument for the general moral permissibility of the act.

12. Actually there are several reasons for this being a necessarily public set of criteria. I have discussed all of those reasons in another place. See Richard Sherlock, "Debate: Selective Non-Treatment of Defective Newborns," *Journal of Medical Ethics* 6 (1979), pp. 221-222.

13. I am using the term "fairness" in its most primitive sense, namely, that any policy ought to apply equally to all persons similarly situated. In this sense, fairness is one of the most basic requirements of any public policy, ruling out as not even minimally acceptable arbitrary or idiosyncratic factors utilized in either rule formulation or rule application.

14. I have dealt with this problem both in "Debate," *op. cit.* and in "Selective Non-Treatment of Defective Newborns: A Critique," an unpublished paper. Unfortunately, a number of writers who simply want to let parents make these decisions without any parameters seem to forget even this most minimal element of fairness.

15. Heymann, Phillip, and Holtz, Sarah, "The Severely Defective Newborn: The Dilemma and the Decision Process," *Decision Making and the Defective Newborn*, ed. by Chester Swinyard (Springfield: Charles Thomas, 1978), p. 428.

16. On the generalization criteria, see Richard Brandt, *Ethical Theory* (Englewood Cliffs: Prentice Hall, 1959), pp. 15-26; Paul Taylor, *Ethical Theory* (Belmont: Dickenson, 1975), pp. 95-105; Marcus Singer, *Generalization in Ethics* (New York: Alfred Knopf, 1961).

17. Examples of these sorts of vague claims are numerous and only a few of them may be cited here. The best collection of these views in detail is in many of the papers in Marvin Kohl, ed., *Beneficent Euthanasia* (Buffalo: Prometheus Books, 1975). Also see A. B. Downing, ed., *Euthanasia and the Right to Die* (New York: Humanities Press, 1971); Maguire, *op. cit.*, and John Ladd, ed., *Ethical Issues Relating to Life and Death* (London: Oxford University Press, 1979).

18. Cf. Richard McCormick, "To Save or Let Die," *Journal of American Medical Association*, 229 (1974), pp. 172-176; Albert Johnson and Michael Garland, "A Moral Policy for Life/Death Decisions in the Intensive Care Nursery," *Ethics of Newborn Intensive Care*, ed. by Albert Jonson and Michael Garland (Berkeley:

University of California, Institute of Governmental Studies, 1976), pp. 142-155.

19. It must be noted that if one looks at the cases of withholding treatment, that these and other authors report it is difficult to find any such cases in which relational capacity is utterly absent.

20. Cf. Raymond Duff and A. G. M. Campbell, "Moral and Ethical Dilemmas in the Special Care Nursery," *New England Journal of Medicine*, 289 (1973), pp. 890-894.

21. Cf. J. Lorber, "Results of Treatment of Myelomeningocele," *Developmental Medicine and Child Neurology* 13 (1971), pp. 885-890; Michael Garland, "Care of the Newborn: The Decision Not to Treat," *P/N*, 1977, pp. 14-21.

22. Reich, Warren, "Quality of Life and Defective Newborn Children," *Decision Making and the Defective Newborn*, *op. cit.*, pp. 489-511.

23. I have argued this point in more detail in a forthcoming paper, "Liberalism, Public Policy and the Life Not Worth Living: Abraham Lincoln on Beneficent Euthanasia."

24. On the essential nature of liberal regimes, see especially Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953), pp. 165-261; Roberto Unger, *Knowledge and Politics* (New York: The Free Press, 1975), pp. 28-144. On the peculiar nature of the American regime, see especially Harry Jaffa, *Equality and Liberty: Theory and Practice in American Government* (London: Oxford University Press, 1965).

25. Cf. *The Federalist*, especially no. 69, where the difference between the powers of a president and those of a monarch are discussed.

26. Cf. Locke, *Two Treatises*, II, chap. 19, par. 219; Locke, *Letter on Toleration*, ed. by Charles Sherman (New York: Appleton-Century Crofts, 1937).

27. On the general nature of Lincoln's thought see Harry Jaffa, *Crisis of the House Divided* (New York: Doubleday, 1959).

28. Cf. *Abraham Lincoln: His Speeches and Writings*, ed. by Roy Blaser (Cleveland: World Publishing, 1946), pp. 372-381; *The Lincoln-Douglas Debates*, ed. by R. W. Johannsen (London: Oxford University Press, 1965).

29. Lincoln, Abraham, "Speech at Columbus, Ohio, 1859," *In the Name of the People*, ed. by R. W. Johannsen and Harry Jaffa (Columbus: Ohio State University Press, 1959), pp. 267-268.

30. Cahill, "Comment on Euthanasia," p. 300.

31. Most of the defenders of euthanasia have simply failed to understand that the so-called "wedge" argument is best formulated as a logical claim about what a given policy logically commits us to. Stated in this form the only effective reply will be a theoretical demonstration that the policy does not logically commit us to certain courses of action. Any attempt to refute it by various "it can't happen here" arguments is simply irrelevant.

32. It should be obvious that the position I have taken does not involve any of the more common distinctions in the discussion of these matters. Whether or not we actively induce death or passively withdraw therapy, the judgment about a life not worth living is the same. The same is true concerning the distinction between voluntary and involuntary euthanasia as can be seen from cases 1 and 2 above. Finally, on the grounds I have laid out, the supposed distinction between ordinary and extraordinary means is likewise without merit, since whether the means of sustaining life is ordinary or extraordinary, the judgment concerning its removal is the same as that which we have been examining.

I do not have the space to argue it here, but I do believe that one useful distinction is between those lives which can be saved by medical therapy and those where dying is only prolonged in cases of terminal illness. This latter distinction can be made in terms of a judgment about how to live while dying (e.g., with chemotherapy or not) and not in terms of a judgment that one life, like Karen Quinlan's, is not worth living anymore.