

The Word "Mercy" And The Problem Of Euthanasia

by MARVIN KOHL

Advocates of voluntary euthanasia are committed to the view that in certain circumstances and with specific safeguards the taking of human life is merciful. Opponents, on the other hand, argue that an act of euthanasia is not an act of mercy and therefore should not be performed. Both parties to this dispute seem to agree that if an act is merciful it is morally justified. — But they disagree about euthanasia being merciful.

To clarify the nature of this disagreement it is necessary to ask and answer two questions.

1. What, in this controversy, is meant by the word "mercy"?

2. Is the proposition — "Some acts of euthanasia are merciful" true or false?

I shall maintain, first, that in this dispute the word "mercy" has been used equivocally, and second, that because of this equivocation we have at least two different propositions to consider, one of which is true, the other false. I believe the advocates and opponents of euthanasia are disputing two different points and, given the sense in which advocates of euthanasia use the word "mercy" it is true to say that "Some acts of euthanasia are merciful."

Consider the following situation. — Two fluent English speakers, X and Y, appraise a case of euthanasia in which it is true (i) that the patient had excruciating pain; (ii) that the patient had to die as a result of the conditions causing the pain; (iii) that the patient, an adult, did voluntarily favor some means of "easy death"; (iv) that the death was painless — and (v) that the physician was motivated solely by the desire to satisfy the patient's request for an "easy death". X and Y agree about the facts of this case. But they disagree about whether or not the doctor's act was merciful.

Puzzled by this apparent disagreement X and Y decide to paraphrase their remarks. That is, they decide to substitute other words for the word "mercy" without changing the original meaning of their respective statements. Instead of X saying "that was an act of mercy", he now says "that was the kindest possible treatment of an unfortunate

individual." Instead of Y saying "that was not an act of mercy" — he now says: "that was an act of compassion and forbearance." This maneuver exposes the source of the misunderstanding. The word "mercy" being an abstract term is, more often than not, equivocated on when people argue that euthanasia is or is not merciful. Advocates of euthanasia tend to identify acts as being merciful only if they result in the kindest possible treatment of unfortunate individuals. Opponents tend to identify acts as being merciful if they result in compassionate and forbearing treatment. I think it obvious that when this is true the alleged disputants are making different but not contradictory assertions.

Of course this does not in any way imply that there are two and only two legitimate senses of the word "mercy". Other equivocations are possible but they are not as common. Nor does it imply that every disagreement can be reduced to a purely verbal disagreement. For this simply is not true. What I am suggesting is that there are cases where the only area of disagreement is whether or not a given type of act is merciful and that in many of these cases the disputants are not really at odds with each other.

Two objections usually arise at this point. One involves the notion that the word "mercy" has one and only one correct meaning. — "Granted," the critic would say, "that the word 'mercy' is often used equivocally. But it is one thing to say a word has been used in two different senses and still another to say that a word has been used in two equally good senses. Or, to put the matter somewhat differently, it is a mistake to suggest that both speakers have been equally duped by the language. The only one who has been duped is the speaker who points to the doctor's act and says "That is an act of mercy." What has he done that we must forgive? What impending punishment must we dispense with? What act of retribution must we abstain from? There simply is none. For a patient is innocent. Therefore it is a mistake to refer to an act, an act which involves an innocent patient, and say that "That was an act of mercy."

I believe this criticism reflects a certain confusion and some errors of fact which I should like to clarify. It is certainly true that "compassion and forbearance" (or if one prefers "compassion and forbearance for an offender") is a perfectly legitimate sense of the word "mercy". To have mercy in this sense is to feel sorrow and pity for, as well as to overlook the guilt of, a being who deserves punishment. In this sense it is true to say that no treatment of a patient, that is, no treatment of someone who merely suffers can ever be merciful. But this in no way entails that it is a mistake to use the word in any other sense. By distinguishing between being merciful to the guilty and being merciful to those who suffer from disease and illness, one does not make a mistake. To use language differently is not necessarily to use it incorrectly.

The only adequate basis for correctness in a living language has to be the usage of native speakers of that language. Certain sequences of sounds have certain meaning only by virtue of the tacit agreement of the general community of speakers. This community can, under certain conditions, revoke its consent to established rules and set up new ones. — Nevertheless, at any given time we can refer to the rules which are in force. We can also refer to violations of these rules.

A misdescription is just one of the possible kinds of violations. A misdescription occurs when a person uses a name to convey characteristics which a fluent English speaker would never associate with that name. It would, therefore, be a mistake if someone asks "What is mercy?" and you point to an act of painting and say: "That is mercy." But it is not a mistake to point to an act — an act which offers the kindest possible treatment to someone in great need — and say that "That is mercy". It is not a mistake because this is one way, a very common way, in which fluent English speakers use the word.

We now turn to the other objection. Here the critic makes a distinction between intention and fulfillment, between having kind intentions and being kind. He reminds us that wanting to be kind and being kind are two different things. And he maintains that the advocates of euthanasia neglect the more important question, of whether or not the actual killing is really kind. — He concludes that euthanasia is not merciful because, with all the safeguards, the proposed act of killing is not kind.

Two reasons are usually offered in support

of this objection. Each makes a different point. They are:

(1.) We are being kind only if we do what some God would do. And to be kind in His way is not to kill but cure.

(2.) The proposed act of killing is not kind because we cannot prove, that is, we cannot provide empirical evidence that it is kind.

As to (1.): If matching this God's ability to be kind is the only type of kindness the critic acknowledges, then he confuses kindness with perfection. But kindness is not synonymous with perfection. Every perfect act may be kind but not every kind act is perfect. The critic demanding that we act as if we were living in a perfect world. Instead of asking "what should we do given our present situation," he asks, "what would we do if this were a perfect world". There is only one answer. If this were a perfect world he would not have to ask the question. I do not wish to be misunderstood. It is one thing to suggest that we emulate some God. It is another to demand that we do what this God himself would do or else do nothing. The latter demand is unreasonable. It is unreasonable because we are not gods. — It is unreasonable because within the limits of human endeavor we can be kind.

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As to (2.): I think there is a reason why this criticism cannot be regarded as sufficient, but it seems not unlikely that it is partially correct. It is true that we cannot prove that an act is kind in the same way and to the same extent that we can prove, let us say, that an act is an act of running. But what follows from this? Only that it is usually more difficult to supply evidence for the former than the latter. It does not follow that we cannot supply evidence to show that a given act is kind.

Suppose we have a case of disseminated carcinoma metastasis before us. That is, a case of cancer where the cancerous cells have spread and have fully developed throughout the body. It is a case that meets all the conditions outlined earlier. We know (i) that the patient has excruciating pain; (ii) that as a result of this condition it is beyond reasonable doubt, a reasonable medical doubt, that the patient has to die; (iii) that the patient when told of his condition voluntarily favors some means of "easy death"; and (iv) that aside from the desire to help the patient no

other considerations are relevant. Now it is not easy to know all these things. And I am not suggesting that it is. Nor am I saying that such cases are as common as some advocates of euthanasia would have us believe. But that, if there are such cases then in these cases, it would be kind to kill. It would be kind because all the evidence indicates that this would be the most helpful thing that we can do.

In other words, I am claiming that there is a sense of the word 'mercy' on the basis of which we can correctly say that a merciful act needs to be kind and that a kind act needs to be a helpful one. And that when we examine the evidence in cases like our cancer case, we know that the proposed act of euthanasia is the kindest possible treatment, because we know that it is the most helpful thing we can do.

Some of the material of this article was presented before the Philosophy Club at Long Island University on November 19, 1964. The author wishes to express his thanks to Mr. Robert Hoffman for his helpful comments.

Current Challenges To Church-State Separation

by EDD DOERR

Largely at the inspiration of Jefferson and Madison, our Constitution includes the First Amendment, which says that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." Since then, the Supreme Court has ruled that the Fourteenth Amendment applies the First to state and local governments. It has also spelled out the meaning of the First Amendment to the effect that no level of government may tell children or other citizens when, where, how, why, if or to whom to pray, and that no public funds may be spent for sectarian purposes.

The First Amendment and the Supreme Court have done a pretty good job of protecting religious liberty by keeping the wall of separation between church and state high and rather solid. But, as we shall see, the wall is a bit porous and some benefits to religious institutions have seeped through. In some cases the seepage has amounted to a torrent.

We might also mention that most state constitutions also erect a wall of separation between church and state. The Indiana Constitution upholds freedom of worship and specifies that no public funds may be used for religious institutions or activities and that no one can be compelled to support and religious institutions against his will.

What are some of the current threats and challenges to religious freedom, which we believe must be protected by the maintenance of a high and impregnable wall of separation between church and state?

A general but not terribly serious threat is posed by such proposed amendments to the Constitution as the Becker amendment, which would reverse the Supreme Court's 1962 Regent's prayer and 1963 Schempp ruling against public school prayer and Bible reading. But this proposed amendment will probably not get anywhere, largely because many church groups fear that even a small