A life in need of “neither protection nor preservation”: Joseph Fletcher, Down’s syndrome and euthanasia

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Joseph Fletcher claims in his Christian situation ethic developed in the nineteen sixties that there is nothing wrong with the use of euthanasia on children born with Down’s syndrome. But is it possible to use his claim of non-persons as non-moral subjects in an ethic that claims not to be legalistic? This paper affirms that Fletcher’s claims are wrong, and that questions motivated by a lack of resources should be answered with a critical discussion regarding those resources. Not with an ethic that supports euthanasia.

Keywords: Euthanasia, Down’s syndrome, Situation ethic, personhood, neo-casuistry, resources, philanthropy

Euthanasia – *the good death*

The act of killing someone who is very sick or injured and suffering is and has been widely debated both by ethicist and law professionals in previous times and today. In February 2014, Belgium, which made euthanasia legal for adults in 2002, passed a bill allowing euthanasia for terminally ill children. The choice is placed with the child and has to be supported by a parental consent. This makes Belgium the first country in the world without an age limit for performing euthanasia.¹ The laws regarding euthanasia vary in Europe making the European map of euthanasia look like a patchwork of areas where the practice is legal, decriminalized or illegal.² In Switzerland assisted suicide is legal: the Swiss Dignitas Association – an organization with the motto *Menschenwürdig leben – Menschenwürdig sterben* often spurs the debate in the media.³ One controversial death that recently took place at Dignitas was the death of a woman just known by her first name, Anne. Anne, an 89 year old former art teacher is said to have ended her life because she could not cope with modern living, having no terminal illness or major physical pain. Euthanasia is in this case used as a way of ending a life before more advanced

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¹ BBC News, “Belgium’s parliament votes through child euthanasia.” <http://www.bbc.com/news/world-europe-26181615>, published 13th February 2014, viewed 12th May 2014.

² BBC News, “Euthanasia: a continent divided” <http://news.bbc.co.uk/2/hi/europe/7322520.stm>, published 11th February 2009, viewed 12th May 2014.

³ <http://www.dignitas.ch>, viewed 12th May 2014.

perils of old age have entered it – not because of any violent suffering.⁴ In the bill that recently was passed in Belgium the child decides together with his or her parents if it should continue to live or die, death in this case being a way to escape terminal illness and suffering.

In the debate regarding euthanasia and Down’s syndrome during the late nineteen sixties, which I will present below, the situation is different and we will see other arguments. Being an ethicist interested in history and in how arguments and viewpoints change over time, this makes the debate even more interesting in my point of view. At the same time different cases might provide us with very different ethical questions turning euthanasia into more of an umbrella term that needs deeper ethical investigations. Sometimes how we define euthanasia as a philosophical term has great impact on how we can use it in a discussion, as we will examine further on. This is one of the reasons why looking back to earlier times and discussions might be a good way to broaden our current discussion.

Can a theory of ethic at the same time claim to be a Christian ethic and an ethic that is pro-euthanasia? This article tries to explain the position of theological ethicist Joseph Fletcher regarding euthanasia and children with Down’s syndrome. In what kind of position is Fletcher placing his ethics regarding the right to die, and is this a position that we can relate to Christianity? I will try to answer these questions and some questions that follow it in this text, my main concern being that Fletcher’s answer to the problem of Down’s syndrome and euthanasia is based on *ad hoc* arguments not connected to his original situationist ethic. I will also, in my critique, add a further argument regarding how we must perceive ethical decisions over time. But first we need to look back a couple of decades and investigate a discussion of Christian ethics and euthanasia.

The parent and the ethicist

In April 1968 an interesting double self-interview was published in the American magazine *The Atlantic Monthly*. The first subject was Bernard Bard, a writer and father to Philip, a child with Down’s syndrome. The other was Joseph Fletcher who during this time was teaching theology and Christian ethics at the Episcopal Theological School in Cambridge, Massachusetts. While Bard tells us his story of becoming a father to a son with special needs,

⁴ Claire Ellicott “Teacher died at Dignitas because she couldn’t bear modern life: Healthy spinster’s despair at fast food, email and lack of humanity”, in: Daily Mail 6 April 2014. <http://www.dailymail.co.uk/news/article-2598102/They-say-adapt-die-At-age-I-adapt-Retired-teacher-89-ends-life-Swiss-euthanasia-clinic-disillusioned-modern-life.html>, viewed 13th May 2014.

Fletcher tells us how we should react when such a child is born.⁵ The interview is a voice from another time: 1968 is almost half a century ago and a lot of aspects of life in the western world have changed since. We will return to how this might influence the analysis later in this text.

Bard starts his story by telling us of his son Philip. Born in 1962 and diagnosed with Down's syndrome he is put away in an institution where he eventually dies within a year. Bard tries to explain his and his wife's situation and what he thinks we should do with those children born with this kind of genetic variation. Being born with Down's syndrome is a problem for Bard, not only for the child him- or herself, but also, and actually mostly, for his or her surroundings. Such a child will trap a family in "an irreversible situation."⁶ What this actually means is not really explained in Bard's text, but it seems to mean that the family will be trapped in a situation from which it cannot escape. A "normal" child will grow up. A child with Down's syndrome will trap the family forever. Bard has examples of how this can actually happen.

"Now, among close friends, I began to tell our story. I learned that there are such tragedies in many families. The sister of a neighbour, I learned, cares at home for a mongolian boy of fifteen. He is virtually helpless, still wears diapers. The mother has suffered three miscarriages because of the strain of lifting him."⁷

This is how the entrapment occurs – the child will have to be cared for forever – and it will curse the parents with physical strains and unhappiness. Bard has more examples. One mother's greatest fear is that her child with Down's syndrome will be left alone with no one to look after him or her when the mother dies. Another mother says openly, according to Bard, that she wants to outlive her son with Down's syndrome for just one day, so she can know a single day in freedom.⁸ These are the types of stories that Bard collects and retells.

According to Bard, the relation between these children and their parents are a one way communication: the child does not suffer, only the parents. The child does not have a care in the world.⁹ The parents are those that suffer in the relationship. Sometimes the parents leave the child to an institution,

⁵ Bernard Bard, Joseph Fletcher, "The Right to die" *The Atlantic Monthly* 221 (4/1968), p. 59-64, reprinted online at <http://www.riverbendds.org/index.htm?page=fletcher.html>, viewed 20th May 2014.

⁶ *Ibidem*, p 60.

⁷ *Ibidem*, p 60.

⁸ *Ibidem*, p. 61.

⁹ *Ibidem*, p. 61.

but this does not solve the problem. Bard explains it in this way, with the words of a doctor he met.

“Some parents regularly visit their children here. They waste their lives trying to expunge a feeling of guilt that should not be there, instead of devoting themselves to their normal children. It is for them that they must and should live.”¹⁰

The problem, according to Bard’s view, is not the suffering of the child with Down’s syndrome. They do not suffer. The problem is the suffering of the parents and their focus on this child. A focus that makes other children sufferers. Because of this Bard is in favour of euthanasia for children with Down’s syndrome. He hopes for a future where these children can be put away silently, without creating suffering for their surroundings, because “Their life is without meaning for themselves, and an agony to their families.” He seems to consider, as one doctor also tells him, the faith of his own son, Philip, who died early, as a blessing for himself and his wife. Some children should never have been born: “Their lives are blank. They do not play; they do not read; they do not live or love.”¹¹ With this conclusion he opens for Fletcher to put his and Philip’s story in a moral surrounding.

Fletcher answers Bard under the headline “A Theologian comments”. He agrees with him that it must be possible for parents and medical professionals to have what he calls a sane, civilized and humane approach to euthanasia.¹² But what does this mean from Fletcher’s theological ethical view? First he rejects what he calls a vitalistic and idolatrous perception of life. This is a view which Fletcher describes as irresponsible, where “Life is untouchable; don’t dare the lightning of the gods.” He also rejects what he calls cosmic evil, an evil without a cause that humans can do nothing about.¹³ According to his view humans should always try to change something perceived as irrational and irresponsible. And a child with Down’s syndrome fits this description if we agree with Fletcher. If we don’t agree – as I will argue later on – his view is very problematic.

One of Fletcher’s main arguments is that a rational ethic should be driven towards *telos*. The end does justify the means, and the end here would be a better life for all. For the child with Down’s syndrome it is not a problem to die without pain and for the parents and the surrounding society life will be better without the cost and extra work caring for the disabled human. It

¹⁰ *Ibidem*, p. 62.

¹¹ *Ibidem*, p. 4.

¹² *Ibidem*, p. 5.

¹³ *Ibidem*, p. 5.

is also important for the surrounding peoples' freedom and proves, according to Fletcher that "Absolute taboos, with their underlying mystique about life, make a farce of human freedom."¹⁴ Life, according to Fletcher, is not sacrosanct, the sacrosanctity of life not even being a Christian ideal. He describes it in these words.

"The notion that life is sacrosanct is actually a Hindu ideal, although Hindus practice things like suttee. It is not Christian or biblical. If it were, all heroism and martyrdom would be wrong, to say nothing of carnivorous diet, capital punishment and warfare. The sanctity (what makes it precious) is not in life itself, intrinsically; it is only extrinsic and *bonum* per accident, *ex casu* – according to the situation. Compared to some things, the taking of life is a small evil and compared to some things, the loss of life is a small evil. Death is not always an enemy; it can sometimes be a friend or a servant."¹⁵

As we can see there are a few interesting arguments about life in this quotation. The value relates to the situation and an absolute valued life would not fit Christian ideals as martyrdom. We will return to both these questions further down in this text.

Personhood is another argument touched by Fletcher, and if we accept his arguments we will find that there is also a direct problem with the human with Down's syndrome as such. According to Fletcher, to be human is to be self-aware, consciously related to others and capable of rationality in a measure at least to support some initiative. "There is a difference between a man and a brute. Even if it is a difference of degree, it is still a difference."¹⁶ We need to make, according to Fletcher, "a medical distinction between idiots, cretins and morons."¹⁷ To dispose of those categories of humans might be a dreadful thing to do, but it is rational and carries no guilt. True guilt should only arise from offences towards a person, and a person with Down's syndrome is not a person according to Fletcher,¹⁸ thus instead fitting the medical description of an idiot, cretin or moron.

In Joseph Fletcher's view there is also, as we have seen in Bard's part of the text, analysed above, a question of resources. He describes the situation like this: "There is far more reason for real guilt in keeping alive a Down's or other kind of idiot, out of a false idea of obligation or duty, while at the same time feeling no obligation at all to save that money and emotion for a living

¹⁴ *Ibidem*, p. 6.

¹⁵ *Ibidem*, p. 8.

¹⁶ *Ibidem*, p. 7.

¹⁷ *Ibidem*, p. 7.

¹⁸ *Ibidem*, p. 7.

learning child.”¹⁹ Life not being sacrosanct becomes instead a question of quality: quality of life. Could this turn into a slippery slope? We will return to that possibility later.

Situation ethics

Some years earlier, before the above mentioned article, Fletcher first published his widely recognized theory of situation ethics.²⁰ Is there a possibility to see him lean towards these kinds of arguments relating to children with Down’s syndrome already in this earlier work? Fletcher calls his ethic a *situations-ethic* and says that it is constructed as a 1) *a nonfundamentalist Protestant ethic*, meaning that it is non-legalistic, not entirely related to conscience and based on love and 2) *neocasuistry*, built on thoughts around and regarding examples rather than regarding rules.²¹ *Situations-ethik* is more method than system; Fletcher describes it himself as: “The reader will find a method here, but no system. It is a method of «Situational» or «Contextual» decision making but system building has no part in it.”²² It is not a code or legalistic system that will help us answer all questions, but rather a methodical aid to let us find out, from examples, what is the right thing to do. The situationist will enter into a situation where an ethical decision will need to be made armed with the ethical maxims of his or her community. But this does not mean that he or she needs to be a slave to them. In any situation they can be put aside if, in this situation, “love seems better served by doing so.”²³ To be a slave under the rules is, according to Fletcher, “To forget the purpose of the game.”²⁴

But if rules are not crucial – what is? For Fletcher the most important aspects of Christian ethics are love, the specific situation and how we shall act with love in it, and the neighbour as the focus for our love. To get a hold of the ethic that Fletcher claims to be Christian, we need to explain these three aspects and continue our discussion from there. Let us first begin with explaining what love is according to Fletcher.

What is love? Love is the only thing according to Fletcher that we can describe as being “always good.”²⁵ It should be used as a principle and be the only regulative principle in a Christian ethic. It is a principle expressing what

¹⁹ *Ibidem*, p. 7.

²⁰ J. Fletcher, *Situation ethic – the new morality*, London 1970.

²¹ *Ibidem*, p. 146

²² *Ibidem*, p. 11.

²³ *Ibidem*, p. 26.

²⁴ *Ibidem*, p. 28.

²⁵ *Ibidem*, p. 57.

type of real actions Christians are to call good.²⁶ Being a principle, it is not what we could call spontaneous love. Not only “love thy neighbour one at the time”. It must be a planned and investigated love.²⁷ Therefore it should be calculated in some way: love for more people are more worth than love for a single person. Fletcher explains this with a reference to the utilitarianism of Mill.²⁸ Being something planned and calculated, Christian love, or *agapē*, should be seen as a *Gesinnungs-Ethik*, an attitudinal ethic. Not as an ethic of feelings.²⁹ This attitude, Christian love, is working toward an end that justifies all means, thus being part of a telos-centered ethical view.³⁰

The only way to use ethics is to apply it to a situation, therefore the use of the name “Situation ethic” and the claim of neo-casuistry. Circumstances, what goes on in a situation, alter cases in such a way, according to Fletcher, that they have to be the focus of our considerations.³¹ If we start with a situation, and works toward an open solution, not influenced by legalistic claims or prejudices. Then we are performing situation ethics.³² The scope is, influenced by the school of American pragmatism as situation ethics claim to be, that the good thing is what works in the specific situation.³³ This is connected to a relativistic approach to morality, in Fletcher’s own word described as “As the strategy is pragmatic, the tactics are relativistic.”³⁴ But what is actually good according to this relativistic tactic? Situation ethics is based on a nominalistic approach where things are good because they are seen as good.³⁵ In Fletcher’s own words described as this: “Hence it follows that in Christian situation ethics nothing is worth anything in and of itself. It gains or acquires its value only because it happens to help persons (thus being good) or to hurt persons (thus being bad).”³⁶ This foundation of the situation ethic is claimed to be grounded in the New Testament. Where we according to Fletcher find a distilment of the law – not to be thought of as a compendium of all law,

²⁶ *Ibidem*, p. 60f.

²⁷ *Ibidem*, p. 92.

²⁸ *Ibidem*, p. 115.

²⁹ *Ibidem*, p. 104.

³⁰ *Ibidem*, p. 120.

³¹ *Ibidem*, p. 29.

³² *Ibidem*, p. 80.

³³ *Ibidem*, p. 40f.

³⁴ *Ibidem*, p. 43.

³⁵ *Ibidem*, p. 58.

³⁶ *Ibidem*, p. 59.

but a method which we can use to find what is good.³⁷ This distilment is a Christian situation ethic; “In its very marrow Christian ethic is a situation ethic. The new morality, the emerging contemporary Christian conscience, separates Christian conduct from rigid creeds and rigid codes.”³⁸

Who is our neighbour? To whom should we give our love in the situation as described above? The situation ethic is people centred, not centred around principles or anything else. It is this neighbour centred focus that makes it a Christian ethic according to Fletcher.³⁹ He sees Kant’s second maxim, to treat people as ends and never as means as a strict parallel to the New Testament’s “law of love”.⁴⁰ Important in this is that the neighbour is anybody.⁴¹ “Love does not permit us to solve our problems or soothe our words at the expense of innocent third parties. Our neighbours include all our neighbours.”⁴² But how does this fit with a policy of euthanasia for babies with Down’s syndrome? My claim, as I will state further on, is that it indeed does not fit. But we will return to that later.

Finally, how do people that follow a situation ethic take a decision? Fletcher grounds his situation ethic in terms that have been popularized by Paul Tillich and other 20th century theologians. Except Christian love, *Agapē* that has been investigated above, a decision should be taken on following grounds: *Sophia*, the wisdom of church and culture and *Kairos*, the right moment. In the right moment, *Kairos*, the self takes a decision based on *Agapē* and *Sophia*, where the wisdom is the servant of love. *Sophia* is the servant of *Agapē*.⁴³ But what does this mean in Fletcher’s own examples? That is what we will investigate now.

The Examples

Unfortunately, in his main work on situation ethics, Fletcher does not use euthanasia and Down’s syndrome in any useful and concrete example. He mentions one case where a man kills his son, because the son is what he calls “an Mongolian idiot” and seems to believe that the act is justified, but the case is not investigated further.⁴⁴ Generally in Fletcher’s examples we can

³⁷ *Ibidem*, p. 70.

³⁸ *Ibidem*, p. 77.

³⁹ *Ibidem*, p. 31.

⁴⁰ *Ibidem*, p. 64.

⁴¹ *Ibidem*, p. 107.

⁴² *Ibidem*, p. 97.

⁴³ *Ibidem*, p. 33.

⁴⁴ *Ibidem*, p. 130.

find some rather distinctive traits that are possible to follow. They are very binary – we are supposed to decide over, for example, the *last* blood transfusion.⁴⁵ And they have a quite definite relation to resources, often marking them as finite in situations where another regulation of the resources (through philanthropy, political decisions and other interventions) could change the situation. One case that Fletcher uses is about a woman, killing her screaming baby, because it screams would alert the enemy that she and her other children hide from. This being right compared to a situation where all of them die because they are being found.⁴⁶ But does this example really help us in more day-to-day ethical situations in, for example, a hospital? And can something that probably gives the agent (in this case the mother) a life-long trauma ever be seen as completely right? I am not sure that these kinds of examples regarding extreme situations really help us in less radical and more common ethical situations, where we instead might discuss other issues, as for example as mentioned above, how to divide the resources.

Another example that Fletcher uses is a story he calls “Himself might his Quietus make”. This is an example about a man with a terminal illness. He is insured, and his insurance can pay for his medicine. But he will still live in pain, a life less livable than the life he knows. Instead he wants to use his insurance money for the future of his children, paying for their health care. If he doesn’t eat his medicine, he will die.⁴⁷ What should he do? Fletcher does not give us any answer, but in his critique of life as sacred we can guess that he at least is open for a possible solution where the man does not eat his medicine. What are not discussed though are what possibilities there are to change how the resources are divided in the case settings. The solution lays only in the terminally ill man and his families resources, not in other broader societal possibilities.

A critique of situation ethics and euthanasia

Holsten Fagerberg, in his in Sweden classic euthanasia discussion “Om rätten att dö” (*Regarding the right to die*), uses the term from the Third Reich: *lebensunwertes Leben*, to describe a stance in very close resemblance to what Bard and Fletcher actually say, when they describe the individual with Down’s syndrome. As I describe Fletchers arguments above, the question of personhood is very important for granting an individual that certain quality that acknowledges us to treat him or her as a moral subject. And according

⁴⁵ *Ibidem*, p. 97.

⁴⁶ *Ibidem*, p. 125.

⁴⁷ *Ibidem*, p. 165.

to Fletcher an individual with Down's syndrome lacks personhood. Fagerberg though, puts himself in a position where he postulates that these kind of arguments have nothing whatsoever to do with what we should call euthanasia.⁴⁸ That is, if we use a definition of euthanasia that regards it as a painless way for shortening a painful life. This kind of definition is not unusual and Fagerberg regards this as the key definition in international literature.⁴⁹ An important thing to notice is that this is during the same time as the interview with Bard and Fletcher is published. Of course another definition is possible but, as we can see, the general definition presented by Fagerberg cannot include a person because he or she is diagnosed with Down's syndrome. Not even if we accept Fletcher's idea of personhood as a criteria for being a moral subject. Lack of personhood is not in any direct sense a cause for pain.

Is Fletcher's ethic a Christian ethic? This question is very hard to answer because a lot of different ethical systems claim to be Christian. The martyr is a classic Christian example used by Fletcher, that relates to death and maybe in some ways to euthanasia, The Catholic theologian Mary Timothy Prokes has described martyrdom as a positive way to give your own life away in Christian love. But this does not mean that every suicide is a positive event. It is its connection to being a sacrifice in Christian love that can make it positive.⁵⁰ The example that we are discussing here, euthanasia for humans with Down's syndrome can neither be described as suicide nor sacrifice, and cannot qualify as an event of martyrdom. To use martyrdom as a parable for euthanasia and Down's syndrome can therefore be quite difficult. But this is not Fletcher's main argument. His main argument is that situation ethic is a Christian ethic – even *the* Christian ethic. I will not make an argument here about whether or not this is true, but instead will try to prove that using personhood as a criterion in both situation ethic and Christian ethic, can be very problematic. And that it might even be a criterion that has to be used in a legalistic way – something that is problematic in an ethic that claims to be non-legalistic.

As we can see, the main argument in Fletchers theological commentary to Bard's reflection on Down's syndrome is lack of personhood as a reason for not being a moral subject. It is possible to attack this argument in two ways. First we can reply that we do not agree with his conclusion of people with Down's syndrome as being non-persons. I do not agree at all with Fletcher in this issue, but this is an ethical discussion, while personhood or lack thereof is mainly a psychological (or perhaps, regarding the definition of a person, a phil-

⁴⁸ Holsten Fagerberg, *Om rätten att dö*, Stockholm 1967, p. 29.

⁴⁹ *Ibidem*, p. 41.

⁵⁰ Mary Timothy Prokes, *Toward a theology of the body*, Edinburgh 1996, p. xiv.

osophical) discussion. Second, we can argue that the question of personhood as a criterion does not fit into situation ethic. That it in fact is what we usually call an *ad hoc* argument. It is the boundaries of what appears to be Christian love in Fletcher's opinion that are rather *ad hoc*. Where is the boundary actually? He does not really define it. The boundaries seem to be decided without any concrete arguments. Still we are supposed to treat everybody – except some non-persons – as neighbours. And do this with neighbourly love.

One argument against all euthanasia is that it works as a slippery slope. Once you started to use it on a certain type of individual, this group can become bigger and bigger. Death and killing are also not, as for example lying and other common moral rules that can be broken, possible to reverse. When someone is dead he or she does not come back. Death is an actual end. Also, there is a problem if we claim to use a situation ethic, because the criteria for humans that we claim as possible to euthanasize must be viewed legalistically. Why is this so? It is so because we have to formulate a rule to divide between which person we could euthanasize and which we could not. If we for example use personhood as a criterion the rule could be formulated as “a child with certain characteristics can be/should be euthanasized at birth”. If we use the other criteria claimed as correct by Fletcher, regarding resources, where children with Down's syndrome are “stealing resources” from normal children, the rule could be formulated as “children that are unhealthy and take resources from other healthy children should be euthanasized at birth”. It does not matter if we think about it as something that is best in the situation we are in, if we don't have a rule we could kill anyone for stealing resources. For example: victims of car crashes, elderly people and infants. Is this a society we want to live in? Most of us would probably answer no to that question. It does not seem to be a society influenced by Christian love either. And we would still need to use legalistic claims to make our decisions rational.

Is situation ethic an ethic that responds to the environment in which it exists? How does this relate to change and transformation? These are valid questions because the arguments used both by Bard and Fletcher regarding resources as a foundation for pro-euthanasia arguments could be answered in another way. Before we make a decision regarding life and death, shouldn't we consider other solutions? We could for example claim resources from more people in society thus making more people morally responsible for the child, not only the family. This could be done in a number of ways, through church philanthropy or other philanthropy or through tax-based resources from state or municipality, motivated by claims of a broader social responsibility. And there are also other lessons to be learned from the claims of situation ethic.

The *Kairos* to kill?

My reaction to Bard's and Fletcher's text from 1968 is that it is a rather absurd text with a description of Down's syndrome that I have problems agreeing with. An easy search on the internet will help you discover that there are several theatre groups with actors diagnosed with Down's syndrome. Walking through town I see people with this kind of chromosome variation every day. Of course a lot of them need help in caring for themselves, but so do children, elderly people and victims of car crashes. Humans with Down's syndrome are also a group of individuals with very varied level of ability. Some of them need more help and some of them can cope with life almost as well as anybody else. This is an entirely different reality than the reality described by Bard and Fletcher. We need to consider how much their view of Down's syndrome does depend on the stories they shared with us. Bard tells us stories connected to suffering of parents because their children are different and more in need of care than other children. But are these the only stories about children with Down's syndrome? Before we take any decisions regarding life and death we should consider many possible stories. As we can see, in this case, there are other stories to be told. We must be very careful before we claim that we live in a time where our understandings of all problems are so thoroughgoing that we can claim that we have to kill someone. A *Kairos*, an understanding of time, a feeling, that the time is right, must be a *Kairos* used together with a critical view.

Even if the bill passed recently in Belgium regarding euthanasia for terminally ill children might be seen as absurd by many and is indeed widely debated, there are differences that are very easy to spot between what the law allows in those cases and what Fletcher wanted us to allow. We can use Fagerberg's arguments regarding what euthanasia really is that I presented above to explain this. The child that the law in Belgium now allows to choose euthanasia with a parental consent is suffering from pain and terminal illness. Death is meant to stop this suffering: it is meant to relieve the child from enormous pain and anxiety. If the child would not suffer, euthanasia would not be an option. The child with Down's syndrome, in the examples of Fletcher, does not suffer. Not in any way relating to the sufferings of a child with for example terminal cancer in its ending phase. It is the parents that might suffer. This makes it, according to Fagerberg's discussion, hard to argue that it is actual euthanasia. That might also be the reason that euthanasia and Down's syndrome seem as such an absurd combination today. Especially if you combine this with what seems like a very different view of children with disabilities compared to how they were viewed during the time that Bard and Fletcher were discussing euthanasia.

In the end: if this is absurd now – around which categories will it be absurd to argue for euthanasia in 40 years? If we actually euthanize individuals for being different in some way we have other issues to consider. For how long should the solution of a problem seem legitimate? When do we need to discuss it anew? Every ethic needs to have a possibility to reason around changes over time. This regarding both technical and societal changes. This is not a problem isolated to euthanasia and can occur in relation to all ethical questions. We need a critical discussion related to the situation in which we are taking the ethical decisions. Of course this might be hard to do ahead of time, but it seems that we have a responsibility at least to try to question our time and the society we live in. Is the current situation a breeding ground for right decisions? If not – what can we do to compensate for this? We ourselves, and our choices, will at least be questioned in the future.