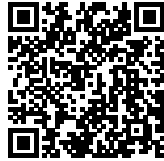




WAR, EUTHANASIA, ABORTION: A TRINARY NEXUS

Posted on March 1, 2023 by Henri Hude



I. Deterrence, Moral Disarmament, Total War and Euthanasia

Total war, therefore nuclear war, is once again in the realm of the thinkable, the possible. And on the other hand, in the West, we are discussing the legalization of euthanasia. One does not see a priori a connection between these two facts. However, the conjunction of the two phenomena is extremely worrying. Why is it so? Because the possible legalization of euthanasic suicide would lead to the dynamic tendency of replacing the balance of terror by what Thérèse Delpech calls the "imbalance of terror."

To wage atomic war is to commit suicide by killing one's opponent. This is why the more suicide is contrary to the logic of a culture, the more credible is the classical deterrence (renunciation of killing for fear of dying) on the part of a state structured by this culture. It is thus understandable that, if suicide enters in a quasi-normal way into the logic of a culture, the economy of deterrence is profoundly disturbed.

If, in a nuclear power state, suicide becomes the normal way for the individual to leave life, its opponents have reason to be alarmed. Indeed, the reasoning that "no one wants to commit suicide" loses much of its force. Such a state becomes much more unpredictable because of an inevitable contamination of its political culture by the logic of the ethics that now govern private life. A heavily armed state that then turns suicidal is even more frightening than before, although it is not the same kind of fear at all. The relative security one feels when faced with an opponent who is not afraid to die, but who one is certain also prefers life, is replaced by a painful uncertainty when faced with an opponent for whom the idea of committing suicide seems to be a normal prospect.

But that is not all, because this preference for life, which makes deterrence not only credible but also stably pacifying, is itself suspended on the conviction that life has meaning. Now, euthanasic suicide participates in the idea that life has no other meaning than that of preserving it as long as it is interesting, or not too unpleasant. Overall, this normalized suicide is part of a system, where the absence of a somewhat transcendent meaning logically implies an irredeemable existential despair. Such despair is self-destructive. Having become habitual and culturally shared, it will gradually make collective as well as individual suicide thinkable, acceptable, desirable. For if suicide is the normal death for any individual, it will be the same, sooner or later, for a society where such individuals are aggregated.

Let me explain precisely the most dangerous consequences:

1. Loss of credibility for a suicidal person but fortuitous deterrent when facing non-suicidal and more robust adversaries—the latter no longer respect him, because they know, or think they know, that the suicidal person only seeks to survive in a pleasant way and has no more reason why he would prefer to die rather than capitulate, provided that his victor assures him a small comfortable life;
2. Loss of security of nuclear partners facing a suicidal deterrent, whose emotional stability, psychic balance and capacity for rational objectivity they begin to suspect, as with any suicidal person;
3. The temptation, for these adversaries, to resort preventively, before it is too late in their eyes, to any adequate means to neutralize a dangerous suicidal person, a madman who could well end up seeing in war, one day, the most honorable way to commit suicide.

Deterrence is not a matter of a simple formal theory of games, because if it is a game, and a very dangerous one, it only functions by certain principles in culture. The legalization of euthanasia is a powerful marker for a state. It signs with certainty the tipping of this state into a non-functional culture, especially if this state is a nuclear power. It deprives this state of its character as a reassuring, credible, rational and predictable actor. Under these conditions, total war becomes not only possible in the medium term, but practically certain.

II. Euthanasia: From the Right to Die to Obligated to Die

We are debating the right to die. Many people seem to agree with establishing this right, out of respect for freedom or out of compassion for suffering. They would no longer be in agreement if they realized the price of the obligations it entails. To acquire a certain right to die is indeed to renounce a certain right to live.

If the law establishes a right, whatever it may be, it also establishes three obligations, without which this right would be empty and non-existent:

1. Not to oppose the exercise of this right;
2. To provide the means without which the right would remain completely theoretical;
3. To accept to suffer the effects resulting from its exercise.

Application: The right of X to kill himself implies three obligations for others, taken collectively: the first is not to prevent X from killing himself. The second is to help him to do so, if he does not have the means to do so alone. These first two are obvious. But what is the third? The obligation to kill oneself, in certain circumstances. Nothing less. And this can be demonstrated.

For the law to grant a right, and impose corresponding obligations, it is necessary that the state, or the elites, or the people as a whole, judge that the object of the right, the subject of the authorized action (in this case, killing oneself), is not immoral. One does not imagine that the state could ever establish a right to evade taxes, to set fires, or to collect inheritances. One can conclude, at worst, that the object of the right is not good, but excusable and tolerable, at best, that there is nothing wrong with it and it must be held to be perfectly moral. Some people will undoubtedly be granted the right to think the contrary, and to say so, but not to disturb the enjoyment of the right. In other words: by establishing a right, the state does not simply give an order—it validates in the name of all, despite the dissent of many, a value judgment of a moral nature. As Blaise Pascal says, the people are not mistaken. If they share the judgment that affirms, or concedes, the morality of euthanasia, then they will support the legislator's action. And in general, the legalization of a practice contributes to the progressive generalization of the belief in its relative or complete morality.

This is where the difficulty arises. For if a type of act is judged to be moral, at least in certain circumstances, not only may we be entitled to it, but there is nothing to prevent it from becoming our duty in other circumstances. If there is a single counter-example, I will renounce this last statement. It will be asked: would this not be the case for the right to die? Well, no.

Experience clearly says the opposite. Among the Inuit, in the past, the elder, when he considered his mouth too useless, went out of the igloo to die slowly in the cold. He probably thought that such was his duty. In the Polynesian tropics, other elders, or even young supernumeraries, would voluntarily leave in a pirogue and never return. They did so because they believed that killing themselves was not

immoral and therefore could be a duty. Otherwise, they would have acted differently.

Now, when a person has (by hypothesis) the duty to kill himself, what will the group do, what will society do, if this person refuses to do his duty, when "public necessity, legally established, obviously requires it?" The answer is sadly obvious. He will be forced to do so. If, therefore, we establish a right to commit suicide, we admit the possibility of an obligation to commit suicide, under certain other conditions. The assistance required to fulfill this obligation by the recalcitrant citizen may take the form of those constraints by which, as Rousseau said, "one will force him to be free." Let's not mince words. We can only acquire the right to give ourselves death by recognizing the right of the state to give it to us.

III. Two Logical Implications of a Constitutionalization of Abortion

Legislators have an obligation not to legislate in a hurry, but to consider carefully the logical consequences of their decisions. The constitutionalization of abortion would have two rigorous implications in this respect, undoubtedly unnoticed by its short-sighted promoters, but each of which would amount to nothing less than the breaking of the social pact.

First, it aims to reinforce, legally and symbolically, a woman's right to freely perform an abortion.

Unfortunately, this decision goes much further. It also gives the state the right to implement a demographic policy, which would include, if necessary, the obligation for mothers to have an abortion, as was the case in China.

Indeed, what is the object of a fundamental right can also become, in certain circumstances, the object of an essential duty and, consequently, of a legal obligation. By constitutionalizing a right, the state does not simply give the most imperative order, it solemnly validates, in the name of all, and despite the dissent of many, a moral and very absolute value judgment.

The state proclaims and declares that abortion causes no real harm to anyone, is neither an evil nor a lesser evil. It becomes a pure and unmistakable good. I do not argue with this moral judgment. I am only drawing attention to the fact that, if our state affirms in this way, as strongly as possible, the unqualified morality of this type of act (this would be true for any other), not only do the citizens have

the right to it, but absolutely nothing prevents this act from becoming for them (in this case, for women), in certain circumstances, a categorically imposed duty.

If, therefore, one recognizes a fundamental right of the individual to abortion, then one automatically gives the state the right to do an abortion, insofar as public necessity would require it. The short-sighted do not see what a nightmare they are preparing. For the fight against the more than predictable fraud of compulsory abortion, and the securing of the state's right to do so, could go so far as to prohibit in utero gestation and to make artificial gestation compulsory. And because of the constitutionalization of abortion, it would be legally impossible to escape all these consequences. The constitutionalization of abortion would legally open the way to a totalitarian biocracy with all power over bodies.

Secondly, this constitutionalization would legally open the way to totalitarianism over minds.

No conscientious objection could hold under these conditions. But beyond the problems of the medical profession, as important as it is, what is at stake, universally, is nothing less than the future of enlightenment.

The theoretical and practical debate on abortion centers on the notion of the person. From the theoretical point of view, the question is—is the embryo a person or not, legally, anthropologically, metaphysically? That is the whole question. From a practical point of view, assuming that we cannot get out of doubt, should we apply the adage "when in doubt, we are free" or the adage "when in doubt, we abstain?" That is the question. The current decriminalization remains consistent with doubt and chooses to apply the first adage, "when in doubt, freedom." Now, in good faith, is this not a theoretical question on which there is legitimate discussion, uncertainty and doubt? And a practical question that does not have an immediately obvious answer either?

If we therefore constitutionalize abortion, we outlaw in the Republic, by an untimely dogmatization, the free discussion of a question, about which any rational and thoughtful person knows with what obscurities it is surrounded. If such an abuse is allowed on such an important and difficult question, where are the limits? A person respectful of the Constitution will feel obliged, before thinking, to ask the authorization of the Republic, which will thus have become despotic. On the grounds of defending this fundamental right (and soon, which others?), one thing leading to another, the list of unconstitutional opinions will be extended ad infinitum, rightly or wrongly, and no doubt in spite of common sense, until there is nothing left, not only of freedom of conscience and expression, but also of the audacity to

reason and to communicate the fruit of one's reasoning—and finally nothing left of reason at all. The Senate will have to say whether, in its opinion, the audacity to think is legally inferior or superior to the Constitution, and whether, without the audacity to think, there can still be a Republican Constitution.

Conclusion? For these two reasons, and some others, it is to be hoped that the Senate, acting with reason and gravity, will conclude to reject an uncultured and inconsiderate proposal, by which the social pact would be broken and despotism substituted for the Republic.

Henri Hude is the former director of the Ethics and Law Department at the Research Center of the Saint-Cyr Military Academy. He is the author of several important works of philosophy, among them, most recently, *Philosophie de la guerre* (*Philosophy of War*). These three articles appear through the kind courtesy of Pierre-Yves Rougeyron and *Le cercle Aristote*.

Featured: *Brennende Stadt* (*Burning city with Lot and the Angel and his Daughters*), attributed to Daniel van Heil; painted ca. 17th century.

