

BIOETHICS MATTERS ENJEUX BIOÉTHIQUES

February 2015

Volume 13, Number 2

Pain Relief at the End of Life: An Application of the Principle of Double Effect

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Several years ago I was approached by a woman after a talk I had given. Her husband had died of cancer. One evening towards the end of his life, he had been in a great deal of pain. When the wife spoke to the doctor about this, the doctor said that he could increase the amount of morphine being given to the patient in order to address the pain, but doing so carried with it the risk of hastening death because of morphine's effect on the respiratory system. But, as the woman told me, her husband was in such pain; she told the doctor to increase the dose. She wanted to know: as a Catholic, had she done the right thing?¹

When I present this question to parish groups, the answer—at least intuitively—is that she made the right decision. She was not asking to have the morphine be used as a fatal injection but was doing what she could to make her husband more comfortable as death approached by relieving his overwhelming physical pain. The parish groups working through the case agreed that the risk, although serious, was nevertheless justified. But Catholicism is a faith seeking understanding and moral theologians confronting cases like this one often turn to the Principle of Double Effect for guidance.

THE PRINCIPLE OF DOUBLE EFFECT

Moral theologians have long recognized that one action can have two very different effects—the good that is being pursued and an accompanying bad effect, or evil. A classic example is the problem posed by self-defence. Technically Christians are called to love their neighbours and not harm others. But they are also called to value themselves and their own wellbeing. What are they to do when they are unjustly attacked? Do they have the right to use force to defend themselves—that is, force that might harm the attacker—and, if so, how much force may be used? Questions like these led Augustine, Thomas Aquinas and others to develop Just War Theory in order to understand whether and the extent to which the use of violence might be justified in the defence against an unjust aggressor.

Similarly, health care practitioners may be faced with circumstances that involve an evil effect, or its possibility, even as they are trying to serve the patient's wellbeing. The use of pain relief at the end of life is one situation; so is amputation, where, in the attempt to stem the spread of gangrene in order to save a patient's life (a good effect), a limb may be severed (an evil effect). In situations like these, where it might not be clear whether an accompanying evil effect can be tolerated while a good is being

pursued, the principle of double effect may provide moral guidance.

THE ELEMENTS OF THE PRINCIPLE OF DOUBLE EFFECT

In its traditional form, the Principle of Double Effect comprises four elements:

1. the act must not be intrinsically evil;
2. the good effect must be the intended outcome; the evil effect the unintended outcome;
3. the good effect must not be caused by the evil effect;
4. there must be proportion between the intended good and the unintended evil.

Let us examine each of these briefly.

1. The act must not be intrinsically evil.

From the outset, the Principle of Double Effect must not be used to justify something that cannot be morally justified. The Church teaches that there are actions that are in and of themselves morally evil—they cannot be justified by intention or circumstances because they are “by their nature ‘incapable of being ordered’ to God, because they radically contradict the good of the persons made in his image.”² These are intrinsically evil acts.

Quoting Vatican II, *Veritatis Splendor* lists examples of such acts:

Whatsoever is hostile to life itself, such as any kind of homicide, genocide, abortion, euthanasia and voluntary suicide; whatever violates the integrity of the human person, such as mutilation, physical and mental torture and attempts

to coerce the spirit; whatever is offensive to human dignity, such as subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution and trafficking in women and children; degrading conditions of work which treat labourers as mere instruments of profit, and not as free responsible persons; all these and the like are a disgrace, and so long as they infect human civilization they contaminate those who inflict them more than those who suffer injustice, and they are a negation of the honour due to the Creator.³

The Principle of Double Effect is to be used when the moral character and permissibility of the act are genuinely in doubt.

2. The good effect must be the intended outcome while the evil effect is the unintended outcome.

This element reminds us that one must never will an evil act; one must always will the good. Again, the Principle of Double Effect is not to be used to justify an intrinsically evil act, which would be the case if the evil outcome were the intended outcome.

3. The good outcome or effect is not caused by the bad outcome or effect.

While there may be those who believe that performing an evil act in order to achieve a greater good is morally justifiable (in other words, that the ends justify the means), Catholic Teaching does not. According to Church Teaching, an intrinsically evil act must never be pursued, no matter how apparently compelling the ends may be. For instance, the torture of a single person, even

when the information gained might save thousands of lives, cannot be tolerated because torture is an act that is evil in and of itself (see #1). Pursuing evil in order to achieve a good means willing an evil act, which is prohibited by Church Teaching.

4. There must be proportion between the good achieved and the evil permitted.

Here we are weighing burdens and benefits and trying to determine whether the good being pursued justifies the evil being permitted. In the case of just war, for instance, there might be those who believe that although the use of force could be permitted in some circumstances, nuclear weapons could never be justified because of the massive and ongoing destruction they would cause. According to this view, the good and evil would be disproportionate and so the act of using nuclear weapons even in self-defence would be morally wrong.

Whether proportion exists is not always obvious; moral discernment is required.

THE PRINCIPLE OF DOUBLE EFFECT AND PAIN RELIEF AT THE END OF LIFE

Let us now apply the Principle of Double Effect to the issue of pain relief at the end of life, step by step.

1. Is an increased dose of morphine used to relieve pain an intrinsic evil?

It could be argued that increasing the dose of morphine where a patient may have built up a tolerance to its effects and therefore requires a higher dosage to address pain is

within the normal standards of medical practice. As such, it is not intrinsically evil.

2. What are the intended and unintended effects?

The increased dose of morphine is being used to relieve the patient's pain, which is the good being pursued and the intended effect of the act. The unintended effect is the risk of hastening of the patient's death, an evil that is possible but not sought.

3. What causes the good effect?

The relief of pain is accomplished by the increased dose of morphine and not by the evil effect, that is, the hastened death of the patient. This is quite different from physician-assisted suicide, for instance, where it is precisely the death of the patient that is being pursued as the means that will put an end to the patient's suffering.

4. Is there proportion between the good achieved and the evil permitted?

An argument can be made that there is proportion between the intended good and the risk of evil: that by increasing the dose of morphine and thereby relieving the patient's physical pain, practitioners may make it possible for the patient to attend to outstanding issues, such as spiritual or family reconciliation, or provide freedom from physical suffering prior to death which might be good for both the patient and his family. Furthermore, the patient is in the terminal stages of the disease. Although it is not seen as a good thing and is in no way sought, the risk of hastening death might be tolerated given all of these factors.

According to this application of the Principle of Double Effect, then, it would be permissible to provide the dose of morphine that would address the pain even as it carries with it the possibility of hastening death.

This conclusion is in keeping with the *Declaration on Euthanasia*:

At this point it is fitting to recall a declaration by Pius XII, which retains its full force; in answer to a group of doctors who had put the question: ‘Is the suppression of pain and consciousness by the use of narcotics ... permitted by religion and morality to the doctor and the patient (even at the approach of death and if one foresees that the use of narcotics will shorten life)?’ the Pope said: ‘If no other means exist, and if, in the given circumstances, this does not prevent the carrying out of other religious and moral duties: Yes.’ In this case, of course, death is in no way intended or sought, even if the risk of it is reasonably taken; the intention is simply to relieve pain effectively, using for this purpose painkillers available to medicine.⁴

SOME CAVEATS

There may be a temptation to reduce the Principle of Double Effect to two components—intention (#2) and proportion (#4)—or even to proportion alone. However,

¹ Please note that the discussion which follows is about the moral *permissibility* of increasing the dosage of morphine in order to relieve the patient’s pain. At no time should it be assumed that the use of pain relief is obligatory.

² John Paul II, *Veritatis Splendor*, section 80, http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor_en.html accessed January 2015.

³ Ibid.

John Paul II is very clear in *Veritatis Splendor* that intention and proportion are not sufficient moral guides.⁵ From this it seems that, to be legitimate, the Principle of Double Effect is to be applied using all four elements. This is meant to ensure that we do not attempt to justify the morally unjustifiable, or are tempted to pursue an evil act, even in the attainment of an apparently good end.

As well, it should be noted that the Principle of Double Effect is not an exact science. As Joseph T. Mangan, SJ, wrote in 1949:

[The Principle of Double Effect] is not an inflexible rule or mathematical formula, but rather an efficient guide to prudent moral judgment in solving the more difficult cases. It is a subtle principle, and for this reason it is liable to misuse on the part of the untrained mind. Even moralists need to proceed cautiously in its practical application. Frequently, in making application to identical cases, moralists arrive at opposite conclusions. Nevertheless, the principle is perfectly valid and justifiable by reason and Catholic tradition.⁶ ■

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⁴ Sacred Congregation for the Doctrine of the Faith, *Declaration on Euthanasia*, section III, http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19800505_euthanasia_en.html accessed January 2015.

⁵ VS, section 75.

⁶ Joseph T. Mangan, “An Historical Analysis of the Principle of Double Effect,” *Theological Studies* 10 (1949), p. 41.