

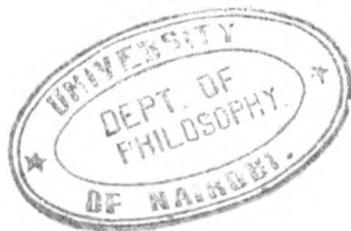
# AN INQUIRY INTO THE TERMINATION OF HUMAN LIFE: THE CASE OF EUTHANASIA

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A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF  
THE REQUIREMENTS FOR THE DEGREE OF MASTER  
OF ARTS IN PHILOSOPHY, UNIVERSITY OF NAIROBI.



1994



**DECLARATION**



This thesis is my original work and has not been presented for a degree in any other University.

A handwritten signature in dark ink, appearing to read "Crispinuos Iteyo".

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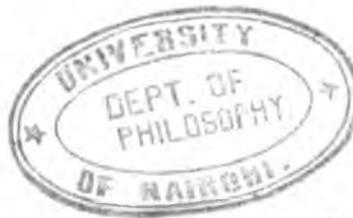
This thesis has been submitted for examination with my approval as University Supervisor.

A handwritten signature in dark ink, appearing to read "F. Ochieng'-Odhiambo".

F. OCHIENG'-ODHIAMBO

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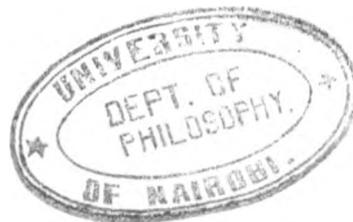


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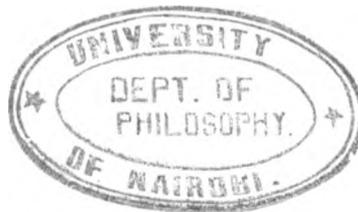
Thanks go to Mrs. Alice Bakhoya for sacrificing her time to type this work. I can't forget to thank the following friends for the company and encouragement they gave me in the course of writing this work: S. Ngaira, M. Alugongo, W. Peru, F. Owakah, H. Misigo and S. Musiega.



## DEDICATION

Dedicated to those that life  
has fretted and harassed  
and yet find living  
tolerable hence  
they cruise  
on.

7





## ABSTRACT

Although termination of human life (including euthanasia) is a source of major debates in ethics, a critical examination of the views advanced as regards life in these debates is lacking.

A keen scrutiny, for example, at the euthanasia debate reveals that there is the principle of preserving life and that human life is special, unique, precious and/or sacred.

Questions that need a thorough consideration emerge. Is the principle of preserving life an overriding one as far as terminating human life is concerned? And, is human life special, unique or sacred? If yes, are these qualities so strong as to impede all forms of terminating life, euthanasia included?

These questions are addressed by critically examining and evaluating the views advanced in the debate on euthanasia, and critically examining the concept human life and its termination in the religious world (Christianity), traditional world (Idakho) and contemporary world, as represented by the scientific and philosophic views.

The argument is that terminating human life can be justifiable and defensible. It is found that human life is indeed special compared to those of animals and plants hence the principle of preserving it. It is however argued that this principle and the high value attached to human life are both superseded by other principles and considerations that favour or justify terminating human life, for example state security, retribution, prestige and

utilitarian considerations. Hence, just as some principles are used to justify other forms of terminating human life, so can the same be done on euthanasia. And in this work it is found that euthanasia is justifiable on the grounds of utilitarianism. It would therefore be illogical to argue that euthanasia is bad because it involves terminating a life that is special and unique, and that it violates the principle of preserving life.



## CHAPTER SUMMARY

Chapter one gives the general introduction, that is, problem at hand, justification, methodology, theoretical framework and hypothesis. Euthanasia is defined and described. In the process of defining and describing, clarifications are made as to whether euthanasia is murder and/or suicide. This chapter offers a foundation for comprehending the debate on euthanasia as presented in chapter two.

Chapter two centers mainly on the debate on euthanasia. The two schools of thought as regards euthanasia, that is, pro- and anti-euthanasia (schools) are presented. In this chapter, various views advanced by scholars as far as the termination of human life is concerned, are analysed. The first part of the chapter gives a historical perspective of killing in general and euthanasia in particular. This historical perspective centres mainly on early Greek Philosophers, the genesis of western thought. Also examined are the views of the philosophers of the moral-theological standpoint, and also some philosophers of the enlightenment era.

The theme in the third chapter is life. In this chapter, an attempt is sought to establish whether human life has special attributes than that of other living things, for it to produce a lot of debates when it is terminated. Reference is made on religious and scientific perspectives of life. Some theories of the origin of life and man are examined. And lastly, the world pictures of man are examined with the view of establishing why man is considered special.

In the fourth chapter, the discussion on life and its termination is

extended to the traditional scene. The Idakho traditional practices and beliefs as regards terminating human life are examined. Singled out for special treatment are the beliefs and practices that are connected to terminating someone's life and also terminating one's own life. The question is whether there are principles in this community that supersede the principle of preserving life and whether euthanasia can be justified on the basis of these principles.

In the fifth chapter, an attempt is made to show how euthanasia can be ethically justified. It is shown how the consequentialist ethic, and in particular utilitarianism can rightfully justify the termination of life and in particular euthanasia. What is also addressed to in this chapter are the issues and questions that arise from the justification of euthanasia. These issues and questions are analysed.

Chapter six is the conclusion of the whole work. In this chapter, the findings of this work are stated and an attempt is made to show that the aims of this work were achieved.

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# CHAPTER ONE

## INTRODUCTION

### 1.0 GENERAL INTRODUCTION

Man, as a rational being has strove to increase understanding and control of the physical world in which he lives. His history, it can be argued has been a history of this undertaking. This undertaking has resulted in great scientific and technological achievements. Hence, great strides have been made in medicine and biology. The 20<sup>th</sup> century in particular has witnessed major progress in these fields. Man is now endowed with remarkable opportunities for changing the course of serious illnesses.

Diseases that were thought very dangerous, for example, cancer, can be contained. Dangerous states that led straight to death, like damaged brain are managed. There are techniques for restarting the heart. And there are machines that can sustain a patient and do virtually everything for him, including breathing. However, all human problems are not solved. In the medical field for example, not all conditions of patients can be contained. Not all diseases can be cured. Patients still have to bear with some dehumanising incurable diseases, for example Aids.

Some forms of treatment are complicated and harrowing for the patient as well as expensive to society. Indeed it can be argued, there may arise instances when it may be kinder to withhold these techniques than to prolong a painful and miserable existence by their employment. And it may also be kinder to hasten the death of a patient suffering from an incurable disease, to forestall his sufferings. Why should this be so?

Some patients may not like to undergo a lot of suffering before dying. Should they request the doctor to terminate their lives? Some relatives may not like to see their beloved ones undergo too much suffering before dying. Is it right for them to request the doctor to terminate the patient's life? And lastly, some doctors may not like to see their patients suffer yet knowing that treatment is futile. Should they terminate the patient's life? Is permitting the patient to die by hastening his death proper? Is it moral? Should this be allowed, knowing very well that it is killing a human being yet this is contrary to the principle of preserving life. This is debatable. And indeed, it has led to a debate. It is the debate on euthanasia, the act of putting to death persons suffering from incurable diseases and/or with distressing pains as an act of mercy.

Different views are expressed as regards euthanasia. There are those in favour and those in disfavour of it. Euthanasia and the debate surrounding it may however be alien to many people, even here in Kenya. The questions, dilemmas and ethical issues that it poses are monumental and can be thought provoking. Here in Kenya, articles do frequently appear in the Daily Newspapers highlighting these issues.

One such article appeared in the Sunday Standard of 5<sup>th</sup> November 1989. The article vividly narrated how Mr. Malenya, once a happily married man, got an accident in April 1981 and since then had been bed ridden with two amputated legs and damaged spinal cord. His condition did not show any sign of improvement and that the doctors expressed fear that his condition could get worse. Mr. Malenya, according to the article, genuinely saw death

as a welcome relief, to himself and his relatives, and that he secretly approached his doctor and begged, albeit without success, for an injection to put an end to his life.

In the western world, especially Britain and the United States of America, cases like these are not seldom. In 1989, in a much publicised incident, the parents of Nancy Cruzan successfully pleaded to the United States supreme court to allow euthanasia be applied on their daughter, as reported in The Time Magazine. Nancy Cruzan had on 11<sup>th</sup> January of 1983 swerved on an icy and deserted Missouri country road and the car flipped and crashed. Cruzan, who was 25 years then, tumbled out and landed facedown in a ditch, damaging her brain. She never regained consciousness after that accident and doctors said she was not going to. For six years, she had lied in a "vegetable state"<sup>1</sup> awake but totally unaware.

Her body was stiff and severely contracted, her knees and arms were drawn into a foetal position and her fingers dug into her wrists. She was oblivious to the environment except for reflexive responses to sound or painful stimuli. Food and water that kept her alive was provided by a tube to her stomach. The cost of her care was \$130,000 annually. Doctors said her heart could beat and her lungs breathe for thirty more years. Her parents wanted the feeding stopped so that Nancy could die in peace, and hence the appeal.

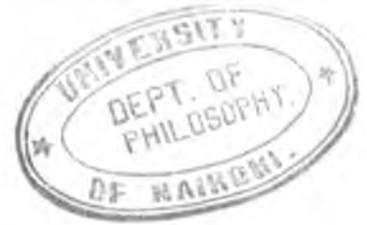
In Britain, there has been agitation to legalise voluntary euthanasia. In 1969, for example, a bill with the intention of legalising voluntary euthanasia was presented in parliament by Lord Reaglan but was rejected. Recently (4<sup>th</sup> February 1993), in the same country, as reported in The Guardian Weekly. (Vol.

148, No. 7) the parents of Tony Bland, Allan and Barbara Bland successfully applied in the court to allow their son to die with dignity. Tony Bland, a Liverpool football fan, crashed his chest and his brain deprived of oxygen in the disaster during the F.A. Cup semi final at Sheffield Wednesday's football ground in April 1989, where 95 fans died. He remained in a "vegetable state" with a severe brain damage for almost four years. His parents seeing no hope of Tony recovering, decided to get a court order to allow Tony's doctor apply euthanasia on him.

The five law Lords who heard the appeal ruled in favour of the appeal. After the ruling, Tony's doctor, James Howe said that the feeding was to be withdrawn the following week and that death was to follow within a fortnight. And Tony's father said;

*This is a great relief. The decision is in the best interest of everyone, not just in the best interest of our family but for the nursing staff who have cared for Tony, and of course for Tony himself.<sup>2</sup>*

The law Lords in delivering their ruling rightly pointed out that 'courts were the wrong bodies to decide such controversial ethical and moral issues'. They therefore spoke of acute unease and profound misgivings at having to fit the case within the existing legal framework, which takes no account of recent life prolonging medical development. They were implying that the law is unclear on the question of euthanasia. To make the ruling they had to rely on the existing laws on killing, the general feelings of the parents and the condition of Tony himself. They were in essence saying that euthanasia as a form of terminating life is not clearly condemned by law. They were by saying this echoing Justice Scalia of the United States Supreme court in the Nancy Cruzan



case. The judge had said:

*The whole matter cries out for exploration in depth by parliament and for the establishment by legislation not only of a new set of ethically and intellectually consistent rules distinct from the general criminal law, but also of a sound procedural framework within which the rules can be applied to individual cases ... The rapid advance of medical technology makes this an even more urgent task and I venture to hope that parliament will soon take it in hand.*<sup>3</sup>

Scalia's hope that parliament will soon take it in hand was realised in the Netherlands. The Dutch parliament on 9<sup>th</sup> February 1993 gave conditional clearance to doctors to end the lives of hopelessly pain ridden or comatose patients. And as reported in The Daily Nation, the Dutch vote was the first explicit green light for the practice in Europe and that it gave the Netherlands the world's most lenient policy.<sup>4</sup>

The preceding examples, the unfolding events in the Netherlands and the ruling in Britain on euthanasia are indeed thought provoking. Some scholars, as it will be seen in the next chapter suggest that like in the case of Mr. Malenya, Cruzan and Tony, the patient's life should be terminated and especially if the patient clamours for it. Others however object to this suggestion and argue that euthanasia is wrong and morally repugnant as it constitutes killing a human being.

In the debate therefore two schools of thought have emerged, one supporting and the other opposing euthanasia. The pro-euthanasia scholars support it on various grounds. To some, the highest good in man is personal integrity and human well being. Quality of life, is to them, the criterion for continued living. Life *per se* has no value. It is what comes out of a living person that gives meaning to his life. This reminds one of John Locke. John

Locke took rationality and self-consciousness as the key characteristics of a person. And he defined a person as a thinking intelligent being that has reason and reflection.<sup>5</sup>

A person subscribing to such a view (like some pro-euthanasia scholars) may be led to argue that lack of rationality and self-consciousness, for example, render one's life meaningless and hence it can be terminated when for instance one is in a "vegetative state". Some proponents of euthanasia argue that since human beings have a right to life, in the sense that they make all sorts of decisions in their lives, they should also have a right to decide when and how to die. In general, what the proponents of euthanasia are arguing is that although it is not good to terminate a human life, there are some cases and instances when doing so is prudent.

Those opposed to euthanasia, as will be seen later on, mostly reject euthanasia because it entails killing a human being. To them killing is morally repugnant. Others invoke the sanctity of life and allege that human life does not belong to individual human beings and as a result of this, human beings do not have a right to dispose it (life) when and how they desire. Life, to some is a blessing from God and therefore it is not a subject of ownership by man. Man holds life in trust. Life to others has meaning regardless of whether one is active or not. To such individuals, the life of a terminally ill patient or that of a patient in a "vegetative state" has meaning and hence should be respected and be preserved.

There are others who oppose euthanasia on non-moral grounds. For example, the fear that if legalised euthanasia can be abused. The example

given is Nazi Germany under Adolf Hitler, where thousands of people were killed in the name of 'life not worth living'. Euthanasia, they argue can be a dangerous weapon in the hands of the state or an ignorant and/or unscrupulous individual. Generally, those opposed to euthanasia subscribe to the principle of preserving life, that is, man ought always preserve life as it always has value.

This debate, according to Trowell, H. in The Unfinished Debate on Euthanasia, was sparked off in Britain in 1873, following an article by Tollemache in Fortnightly Review entitled "The new cure for incurables". Because of the inherent questions in euthanasia and the ethical issues it raises, it has provided a fertile arena for scholastic enterprise. Hence, doctors, lawyers, theologians and philosophers have engaged themselves in the debate. Philosophers are involved mainly because of two reasons. The first one is that euthanasia is an ethical issue and secondly because it raises questions about life and its meaning; one of the concerns of philosophy, that is, to interpret life and its meaning. A need arises here to critically examine the views advanced in the debate as regards life, for this is lacking.

This study however sets out or aims at finding two things. One is whether human life is special or unique in any way and whether these factors can impede euthanasia. Second is whether the principle of preserving human life should be used to oppose euthanasia.

### 1.1 ETHNOGRAPHICAL BACKGROUND

Idakho (representing the traditional world) may not be famous and hence a few comments on it are necessary in this introduction. The Idakho is one of

the seventeen Luhya sub-tribes, located in Western Province - Kenya. The indigenous Idakho people live in Kakamega District, Ikolomani Division. This Division is administratively divided into two locations with eleven sub-locations.

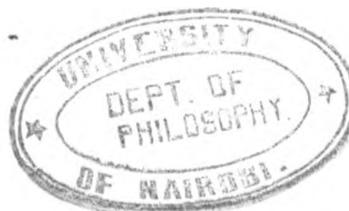
The sub-tribe is composed of over 30 clans. Historically, many of these clans are of Bantu origin, although some trace their origin to the Luo, Nandi and Maasai. These clans have common customs, traditions, and speak the Idakho dialect. In the olden days, before the colonialists established their administrative machineries, the Idakho as a sub-tribe formed the basic political unit, with the *Abashimuli* as the ruling clan.

The Idakho's neighbour to the North are the Isukha, another Luhya sub-tribe with which the Idakho relate linguistically and with which they used to be jointly referred to as *Abakakamega*. To the south, the Idakho neighbours are the Maragoli. To the East are the Tiriki and to the West are the Kisa and Batsotso.

Demographically, Ikolomani Division is one of the divisions with the highest population in Kakamega District. According to the 1979 population census, the Idakho were 59,754.<sup>6</sup>

## 1.2 THEORETICAL FRAMEWORK

This study operates under the framework of the English empiricist philosopher, and social reformer, John Stuart Mill's theory of utilitarianism. Mill found fervour in the ethical theory propounded by Jeremy Bentham that morality consisted in obtaining the maximum amount of happiness for the greatest number of people. Mill regarded Bentham's philosophy as the only



possible basis for a rational analysis of morality. He modified it a bit and became the 'greatest benefit theory' or 'common good' or 'benefit of the majority' theory.

Utilitarianism states that an action is right if and only if it brings about a greater balance of good over pain to a greater number of people. Mill considered self-interest as an inadequate criteria of goodness. Hence the development of the 'greatest happiness principle'. To him, an action is acceptable or justifiable if its consequences are good or beneficial to the greatest number of people. In the same vein, he insisted that because actions have consequences, it was the duty of the rulers and the society to refrain men from damaging others' interests and to require them to assume responsibility in furthering the interests of their community.

What a man should bear in mind before deciding on a course of action, according to J.S. Mill, is the outcome or the consequences of an action to the community at large. Thus, before one opts for euthanasia, before a doctor accepts to carry it out and before relatives or parents start clamouring for it, they should first of all assess the possible consequences of this option, not only to the immediate family, but also to the nation at large. The question should be whether terminating life will bring forth greater balance of good over evil. Will it bring pleasure, joy, harmony or peace, or will it bring pain, hardships and suffering to a greater number of people. It is this philosophical theory that provided the framework for this study.

### 1.3 HYPOTHESIS

The hypothesis of this work is that euthanasia is justifiable.

### 1.4 METHODOLOGY

This study is essentially an analytical one. The views advanced by scholars, either in support or rejection of killing and euthanasia, and its moral implications are analysed. The study is therefore based primarily on library research. It is however slightly aided by field work. The scholars' view as far as euthanasia is concerned are well documented and hence readily available for analysis.

The beliefs, practices and customs of the Idakho as regards life and killing are not documented. This made field work necessary. Hence, discussions with sages, aimed at finding the position of these people as regards termination of human life were conducted. The study could have covered the whole of Luhya tribe but there were some obstacles. The major one was time factor. The second had to do with the differences that do exist in terms of customs and the dialects among the Luhya sub-tribes. It was better and appropriate to deal with one sub-tribe.

Why then did we choose the Idakho? The first reason was that the Idakho have retained most of their ancient beliefs and traditions and hence provide a suitable area of study. Second was that, because customs and beliefs as expressed through language and practices were the main focus, it became imperative to deal with people we were well conversant with in terms of their customs and dialect. This however is not to say that the Luhya sub-

tribes are completely different in terms of customs and dialect. There is a lot in common and in fact some of the views held by the Idakho people as regards suicide, homicide and treatment of sick persons, are also embraced by the maragoli and isukha, for example.

### 1.5 WHAT IS EUTHANASIA?

The word euthanasia is derived from two Greek words; *Eu* that means 'good' and *Thematos* that means death'. In its etymological origins therefore, euthanasia means 'good death'. 'Good death' here refers to an easy, painless, unagonizing and undehumanising death.

It is not clear from the etymological origin of euthanasia how the 'good death' is to be achieved, that is, whether euthanasia means inducing death, or whether good death is just a wish to die painlessly; not necessarily inducing it. Euthanasia however has been taken to mean inducing death. The question is inducing whose death? Only patient's or also non patient's? It is this question that has led to two senses of euthanasia; the narrow and broad sense. In the narrow sense euthanasia can be taken to mean putting helpless patients to death with or without their consent or request. In the broad sense euthanasia can be taken to include the killing of maimed children and the seniles. Included here therefore is infanticide. Popularly, euthanasia is taken in the narrow sense; terminating a patient's life.

Various definitions of euthanasia have been advanced in which two things come out clearly. First is that euthanasia entails putting to death a terminally ill patient because of his or her hopeless state. Second is that

euthanasia is carried out of mercy and that it is aimed at producing an easy death. This explains why euthanasia is popularly known as "mercy killing". Dorland's Illustrated Medical Dictionary (24<sup>th</sup> Edition, 1965) for example, defines euthanasia as an easy or painless death; a mercy death. To it, euthanasia is the act of putting to death a person suffering from an incurable or painful disease.

Stedman's Medical Dictionary (25<sup>th</sup> Edition), defines euthanasia as a quiet painless death, that is, intentionally putting to death a person with an incurable or painful disease. And according to the Dictionary of Philosophy (edited by Antony Flew), euthanasia means "good dying" or an easy death as an escape from some condition, usually terminal, and felt by the patient as intolerable.

From the above definitions, euthanasia can be taken to be the act or practice of painlessly inducing the death of a person (mainly a patient) suffering from an incurable or a distressing condition, as an act of mercy. It is therefore the act or practice of killing hopelessly sick or injured individuals for reasons of mercy. The inducement of death is to be done mainly by a physician who can ascertain, for example, that further sustaining attempts of a patient are futile and hence meaningless. A patient may reach a state where further sustaining attempts are futile or meaningless when he or she is for example being kept alive by the extra ordinary measures, for example machines. Apart from this, the patient may be in an intolerable pain, in a comatose, or in a "vegetable state", conditions that may be irreversible. In such conditions it may become apparent to the doctor that the patient will definitely die, for the patient's state

may even be terminal. The doctor can even approximate how long the patient will live. Death as the only remaining thing for such a patient may be hastened.

The hastening of this death may either be active or passive. Active euthanasia is the direct and deliberate killing of a patient in order to end his or her suffering. The doctor can, for example directly administer an overdose or a lethal drug to cause or to bring about this death. And passive euthanasia<sup>1</sup> is when an indirect way of inducing death is employed. The doctor can for example, omit certain life prolonging procedures like drugs or even machines. One may ask which method is better, passive or active.

The fact is that the objective of both is the death of the patient. The question should be whether there is a moral distinction between performing an act whose consequence is the death of a patient, and omitting to do something that has the same consequence? Peter Singer<sup>7</sup> identifies two approaches to this question. First is the ethic which states that so long as we do not violate specified moral rules which place determinate moral obligations upon us, we do all that morality demands of us. This is the ethic consisting of specific duties prescribed by moral rules which place determinate moral rules which everyone can be expected to obey. The rule may be for example "Do not kill". Such a rule is in such a way that to obey it, it is necessary only to abstain from the actions it prohibits. Such an ethic can definitely make a moral distinction between acts and omissions and to it, active euthanasia (act) can be wrong and passive euthanasia (omission) not wrong.

The second is the consequentialist approach. This ethic judges acts by their consequences. The question a consequentialist will ask is what the

consequences of both active and passive euthanasia are. If it is death, as is actually the case, there cannot be a moral distinction between them. About the two approaches Singer says the following:

*... the act/omission issue poses the choice between these two basic approaches in an unusually clear and direct way. What we need to do is imagine two parallel situations differing only in that in one a person performs an act resulting in the death of another human being, while in the other she omits to do something, with the same result...<sup>8</sup>*

As a consequentialist, he does not see any difference between act and omission, for the result is the same - death of the patient. He says:

*... is it reasonable to hold that the doctor who gives the injection does wrong, while the doctor who decides not to replace the plug acts rightly? I do not think it is, in both cases, the doctor knows that this will be the result, and decides what she will do on the basis of this knowledge, because she judges this result to be better than the alternative. In both cases the doctor must take responsibility for her decision - it would not be correct for her to say, in the first case she was not responsible for the patient's death because she did nothing. Doing nothing, in this situation, is itself a deliberate choice and one cannot escape responsibility for its consequences".<sup>9</sup>*

Euthanasia, whether active or passive can be with or without the request of the patient. When the patient requests or consents or if he had written a will permitting euthanasia, it is voluntary euthanasia. When without the request or consent of the patient it is imposed or involuntary euthanasia. Although euthanasia is commonly seen to be voluntary or involuntary, Peter Singer identifies a third type which is worth mentioning. This type of euthanasia is non-voluntary euthanasia. To him, voluntary euthanasia is carried out at the request of the person killed. Involuntary euthanasia is carried out when the person killed is capable of consenting to his own death, but does not do so, either because he is not asked, or because he is asked but chooses to go on living. He says the following about these definitions:

*These two definitions leave room for a third kind of euthanasia. If a human being is not capable of understanding the choice between life and death, euthanasia would be neither voluntary nor involuntary but non-voluntary. Those in this situation include gravely deformed or severely retarded infants, and people who through accident, illness or old age have permanently lost the capacity to understand the issue involved, without having previously requested or rejected euthanasia in those circumstances.<sup>10</sup>*

Whereas euthanasia, as the term is used, may remove certain instances of direct killing of patients from the category of murder, intentionally destroying a patient's life, with or without his request, may in law constitute murder, as Campbell, A.V.<sup>11</sup> points out. And in fact some scholars as will be seen later, see euthanasia as unmitigated murder and more so if it entails actively taking away the patient's life. Passive euthanasia, failure to institute life saving measures, may as well in law, constitute negligence. If the patient requests, consents or clamours for it, it may, as some scholars argue, constitute suicide. At this juncture, the need arises to clarify and make distinctions, if any, between euthanasia on one hand and murder and suicide on the other.

The etymological origin of the word euthanasia has already been given. And what it has come to imply has been stated. What suffices<sup>12</sup> here therefore is an epitome. Euthanasia entails actively or passively inducing the death of a patient as an act of mercy. The actual act of terminating the victim's life is done by somebody else, usually a doctor, after ascertaining that it is fruitless to keep on prolonging the patient's life.

## 1.6 EUTHANASIA AND MURDER

As aforesaid, euthanasia is seen by some scholars to constitute murder. The question here therefore is whether euthanasia is murder. The Shorter Oxford English Dictionary on Historical Principles defines murder as killing a human being unlawfully with malice aforethought, or to kill wickedly, inhumanly and barbarously. Murder, according to this definition is first and foremost an intentional killing of a person. It is a killing that is not sanctioned by the law. Secondly, someone committing murder does so with ill motive, that is, it may be done out of anger, jealousy, greed and other such social vices.

From the above elucidations, the following can be deciphered. That killing which is accidental or rather unintended is not murder since murder is intentional killing. The Kenyan law, for example, is clear on this distinction. There is a big difference between intentional killing and accidental killing. Someone who unknowingly kills another is charged with manslaughter (for example killing someone in self defence or careless driving), other than murder that carries death sentence.<sup>12</sup>

Secondly, murder is unlawful killing that is committed out of malice or ill feeling. What this implies is that there can be lawful killings, that is, killings that the law allows or the community has generally embraced. Throughout the tracks of history, up to today, states have been sanctioning the deaths of people. For example, killing an enemy in war was and still is the object of fighting. Killing in war does not constitute murder. One may also be killed for threatening state security.

The other killing that may be sanctioned by the law, and which has of

late generated debates is capital punishment. Capital punishment entails taking away the life of an offender. It is a very ancient practice. In 399 B.C., for example, one of the prominent philosophers of all times, Socrates, was a victim of this punishment. In ancient Greece, and in particular Athens, the punishment for grievous offenders was death. Socrates was seen as such an offender, as he was accused of, among other things corrupting the youth. He was consequently sentenced to death and was killed through poisoning. The point here is that lawful killings as evidenced in capital punishment or in wars may be legally and morally justified and hence do not constitute murder. This points to the fact that not all intentional killings (having the express purpose of killing) are murder.

Murder is therefore unlawful killing of man with malice aforethought, contrary to the popular usage of the word which takes any killing of a person by another or sometimes by oneself, for whatever reason as murder. From the given elaborations, euthanasia may and may not qualify as murder. It may not qualify as murder because whereas it is a deliberate and intentional killing of a person who is intolerably suffering, the motive behind is mercy or compassion towards the suffering patient. This differs drastically from murder which is committed out of ill feeling or malice. Moreover, euthanasia can even be requested for by the patient. In this regard, euthanasia can be said to be very much different from murder.

On the other hand however, if the law or the community in general does not permit or embrace a killing like that of euthanasia, euthanasia becomes unlawful killing, an aspect that may make it murder. And therefore in a country

like Greece where the orthodox clergy strongly oppose mercy killing, and in Italy where the Vatican condemns it, euthanasia is considered murder even if the patient clamours for it<sup>13</sup> and can therefore be punishable.

## 1.7 EUTHANASIA AND SUICIDE

Voluntary euthanasia, as stated earlier, may be seen by some people as constituting suicide. That is, if the patient clamours and asks for it and as a result his death is induced, he can be said to have died willingly hence suicide, and that the doctor will have aided or assisted suicide. Is voluntary euthanasia therefore suicide? What is suicide in the first place? The word suicide is an amalgam of two Latin words; *Sui* that means 'self' and *caedo* that means 'to kill'. In its etymological origins therefore, the word suicide means 'to kill oneself'.

Suicide is therefore the act of taking away one's life. The Shorter Oxford English Dictionary on Historical Principles for example defines suicide simply as "dying by one's own hand". And according to the International Encyclopaedia of the Social Sciences (Volume 15), suicide is the human act of self-inflicted, self-intentioned cessation. Suicide as is evidenced in the above definitions combines the victim's wish and desire to die with his readiness to carry it out. The aim of committing suicide is not to merely injure oneself but to lead to a complete cessation of one's existence.

When suicide is compared to voluntary euthanasia, some similarities and differences do emerge. In both cases for example, the victim has the desire to die as a result of his helpless situation. For euthanasia, as aforesaid, this

helpless situation may be brought about by a terminal sickness and for suicide this may be brought about by mental, physical, economic, social or political problems. One of the causes of suicide cases was and still is incurable painful disease, other causes as already said being mental disorders, social factors (for example discrimination), and economic factors (for example poverty). And the reason why someone may opt for euthanasia is desperation brought about by a helpless situation, for example a painfully incurable disease.

It can therefore be argued that the reason that may lead one to request for euthanasia can as well lead him to commit suicide. This means that in Mr. Malenya's case for example,<sup>14</sup> instead of pleading with the doctor to terminate his life, he could have committed suicide if an opportunity arose. This is because in both voluntary euthanasia and suicide, the yearning for death is the motive behind them. This can bring a complication to doctors who apply euthanasia. It may be difficult for the doctor to distinguish between purely genuine request for euthanasia from a suicidal impulse. This means that if the doctor yielded, for example to the request of Mr. Malenya, who, apart from his sickness may have wanted to escape from an impending poverty for instance, he (the doctor) will have assisted Malenya die out of a suicidal impulse. But how to distinguish a genuine request for euthanasia, from a suicidal impulse is a question that cannot be answered now, as that is beyond our scope.

There is however a difference between suicide and euthanasia. This is to do with how life termination is achieved. In suicide, the person himself or herself does the actual termination of his or her life for example by poisoning, shooting, hanging or drowning himself or herself. After shooting oneself and

dying, it can for example be said that Mr. X committed suicide. Mr. X may however not die. For whatever reason the shooting may fail to destroy his life. In such a case it cannot be said that suicide has occurred. It is simply that Mr. X unsuccessfully attempted suicide.

A person who consents or requests for euthanasia does not terminate his or her own life. Even though the sick person may ask for it, the actual termination of life is done by the doctor, not the patient unless the patient refused medication. The case is different when the patient refuses medicine or when she disconnects the machine that keeps her alive. This is not euthanasia because it is the patient terminating her or his own life.

Suicide is killing oneself and therefore the fact that in voluntary euthanasia the patient requests for the termination of his or her life may not mean that he or she has killed oneself. Moreover, the request is not necessarily followed by the termination of life. The whole process is determined and regulated by the doctor. The request is subject to the approval or disapproval of the doctor. The doctor may reject the request of the patient, in view of the law which may be against euthanasia. And in countries where euthanasia is allowed, for example in the Netherlands, voluntary euthanasia may not be suicide even if the doctor carries it out. A practical example should suffice.

Take the case of Nancy Cruzan. Supposing she had asked for euthanasia before she went into a permanent coma and supposing her family carried this request successfully in the courts and then her life was terminated. Could it have been claimed that she committed suicide? It seems to be no because she will not have killed herself. And in terms of a blame it is not clear

who should be blamed. For example can she (Cruzan) be blamed for having requested? Should it be the family for having sought the court's permission? Should it be the judge for having ruled for it? Or the doctor for having carried it out? The impeccable person it seems can be the patient (Cruzan). This is because her request could easily have been ignored and secondly because the permission to terminate her life could have been granted even without her request.

Voluntary euthanasia given the preceding elucidations and distinctions is not suicide since, as the explanation goes, euthanasia is homicide; the killing of a human being by another. This is however a homicide with a difference, it is a homicide that the victim may request. A killing cannot be suicide and homicide at the same time. And because euthanasia is clearly homicide, unless the patient kills himself or herself, it cannot be suicide at the same time. However, the reasons used to oppose or accept suicide have direct relevance to voluntary euthanasia.

Euthanasia, whether active or passive, voluntary or involuntary has been interpreted differently as will become apparent in the next chapter. Being an easy death, it has been seen as a good and appropriate death. But because it involves inducing death and therefore killing, it has been seen as a morally outrageous act as it violets the principle of preserving life.

NOTES

1. "Vegetable state" refers to being in a dull and undemanding existence. One may even be lacking self-consciousness. An individual in this state is a 'human vegetable'. This is an individual whose physical and mental capacities are severely impaired by illness or injury. "Vegetable state" can interchangeably be used with "vegetative state" without changing the meaning.
2. The Guardian weekly, week ending 14.2.1993 p. 4.
3. *Ibid.*
4. Daily Nation, The Nation Centre, Nairobi, Saturday, February 13<sup>th</sup> 1993, p. 10.
5. See Singer Peter, Practical Ethics. Cambridge University Press, Cambridge (1979) p. 76.
6. Kenya Population census, 1979 Volume 1, p. 128.
7. See Singer Peter, *Op. cit.*
8. *Ibid.*, p. 150.
9. *Ibid.*, p. 151.
10. *Ibid.*, p. 130.
11. See Campbell, A.V., Moral Dilemmas in Medicine (2<sup>nd</sup> edition) Churchill Livingstone, London (1975).
12. See Lamerton, R., Care of the Dying, Priory Press Limited London (1973) p. 91.
13. Daily Nation, *Op. cit.*
14. *Vide supra*, pp. 2, 3.

# CHAPTER TWO

## THE EUTHANASIA DEBATE

### 2.0 PREAMBLE

Various views are advanced regarding killing in general and euthanasia in particular. Scholars are divided over them. Where as some support euthanasia, others oppose it. In this chapter, the views advanced by these scholars are critically examined. Before making the examination, euthanasia or generally killing is given a historical perspective. By this is meant that the views of early philosophers as regards putting oneself or someone else to death are examined. This starts with the early Greek philosophers. This is because it is in Greece that the records of what some of the earliest philosophers said on killing are to be found.

Considered also are the views of St. Augustine, Thomas Aquinas, Hume and Kant. St. Augustine and Thomas Aquinas are examined as fore runners of the moral-theological view that opposes euthanasia on the grounds that human life is sacrosanct, and infallible as it is a gift from God. Hume and Kant are examined as representatives of the enlightenment era, the era believed to have advocated for human liberties.

### 2.1 EARLY GREEK PHILOSOPHERS ON KILLING

The individual's act of killing himself or being aided to die, as may be the case in voluntary euthanasia, and killing people thought to be unworthy of living was an object of philosophical discussion in early Greek philosophy. By early Greek philosophy is meant the philosophy of Greek philosophers from Thales

(considered the first Greek philosopher) to Aristotle. The first question to ask is: what were the socio-political realities of Greece during the times of these philosophers?

Greece during the times of these philosophers was divided into autonomous city states, the most famous being Sparta and Athens. Sparta on its part exercised absolute power over the lives of its citizens to such an extent that even the father did not have authority to rear his own children<sup>1</sup>. The authority to rear a child came from the state. When a child was born, it was taken to a place called *Lesche* where the elders from its father's tribe examined it (the child) and decided whether the child was worth living or not. If the child was well made and strong, it (the child) was permitted to live and therefore the father was given the go ahead to rear it.

If the child was found weak, it was killed, reason being that "a child ill-suited from birth for health and vigour to live was disadvantageous alike for itself and for the state".<sup>2</sup> The elimination of invalid (deformed or physically and mentally handicapped) children was aimed at maintaining a high standard of physical efficiency in Sparta, a military state. In Sparta therefore, the criteria for living was physical fitness. This means that in this state, the value of life was not derived from life itself but from the physical and mental capacities of a person. Consequently not everybody, for example invalids, had a right to life in this state.

In Athens, the case was a bit different. The parents of the child could themselves decide whether or not to rear a child. If the child was found to be unsuitable to live (say that it was deformed and hence being physically

incapacitated), the decision not to or to rear the child was not made by the state but by the parents themselves. This makes it possible for invalids to have been reared in Athens unlike in Sparta.

Euthanasia as already seen has two senses; the wider or broader sense (in which all mercy killing including infanticide and the killing of seniles) are included, and the narrow sense (which restricts euthanasia to terminating the life of a patient). Taken from the wider sense, it may be said that euthanasia was being practiced in Greece of this time. And it is against this background that some philosophers of this time started to speculate on infanticide and killing of oneself in their philosophies.

The early Greek philosophers can be divided into two parts; pre-Socratic and post-Socratic. The latter covers philosophers from Socrates to Aristotle, and the former includes philosophers such as Thales, Anaximander, Anaximenes, Pythagoras, Democritus, Heraclitus and Parmenides. The pre-Socratics are generally known as cosmologists, thomists and atomists. They are called so because they occupied themselves with speculations about the order in the universe. They also concerned themselves mainly with the question of the origin of matter. Most of the pre-Socratics therefore did not concern themselves with the issue of someone terminating his or another person's life.

It was however Pythagoras (born 570 BC)<sup>3</sup>, a great teacher of mathematics and music, and a prominent member of the orphic brotherhood, that said something about this issue. He, in the first place objected to killing oneself as the act to him was unmitigated evil. He saw it as a rebellion against

the gods. His objection to killing oneself was greatly influenced by the teachings of the orphic brotherhood. The group believed and taught of the imprisonment of the soul in the body only to leave the body at the time of death and after a period of purification re-enter another body. It taught of the transmigration of the soul, its purification in the wheel births and its final re-union with the divine. Killing oneself could interfere with this process of the soul.

Socrates (470 BC), a great moralist who spent most of his time teaching philosophy to the youth, as a character in Plato's works, objected to someone taking away his own life. To him, life is given to us by the gods who take care of us and that we men are one of their possessions. Whereas in the Apology he asserts that 'a non-examined life is not worth living' hence giving the impression that a non-examined life is not worth preserving, he does not mean that a non-examined life should be terminated by man. He makes this clear in Phaedo when he says;

*... it is not unreasonable to assert that a man ought ~~not~~ to kill himself before the deity lays him under a necessity of doing so, such as that now laid on me.*<sup>4</sup>

To Socrates, it seems, man ought not to kill himself. It is the deity that should make it necessary for one to die. He however criticised fear of death. To him, death should not be feared, for fear of death is not wisdom as no one knows whether death may be the greater good. Hence, after being sentenced to death, he observed that 'those who think that death is an evil are in error'.<sup>5</sup> What is implied here is that if the deity lays or puts one in a position where he cannot escape death, one should not fear it, for this may be a greater good.

Socrates's objection to killing someone or oneself is open to two interpretations. First it can be said that Socrates was opposed to man killing man, because this is the work of the deity. One may however object to the above interpretation as Socrates seems not to have taken "man killing man" to be bad in principle. He could otherwise have condemned capital punishment of which he was a victim. Socrates did not condemn or object to his intended poisoning because he saw the circumstances that he was in as having been necessitated by the deity. He therefore looked positively at his intended killing.

The second interpretation is that Socrates, in objecting to killing oneself or someone, may have been saying that it is wrong for man to necessitate his own or someone else's death. That the objection is not to the act of man killing man, but to man creating a condition of dying. To him therefore it may not be wrong for man to kill man so long as it is the deity who has laid the conditions for the killing. In this sense, those who killed (Socrates) him did no wrong for as he put it, it was the deity that laid him under 'a necessity' of being killed.

This second interpretation raises a problem. When and how can one know that the deity has laid a person under a "necessity of dying"? It is not clear how to distinguish the conditions or circumstances laid by the deity from those laid by man. One may wonder who lays the conditions of being terminally ill or in a comatose? Is this, laid by the deity or man? It is not easy to know. To Socrates, if this is laid by the deity, it would not be wrong to terminate it. But how does one know this?

Plato (428 BC - 348 BC), a prominent philosopher in ancient Greece,

was for infanticide and suicide. He was for the *status quo* in Greece. In The Republic, he argues favourably for infanticide as a norm for deformed infants. In his model state, a state ruled by philosopher kings, invalids and weak children had to be exterminated, the way it was happening in Sparta. To him, the invalids were not to be reared because they could not attain the higher development of mind and body. The children of inferior parents, and any maimed offspring had also, according to him, to be put away.<sup>6</sup>

It was also acceptable to Plato for one to take away his own life under the compulsion of some painful or inevitable misfortune or because he had to suffer from irremedial and intolerable shame.<sup>7</sup> He however condemned taking away one's own life for no serious reason. It is not clear what to Plato was a serious reason. 'Serious' is a relative term. Seriousness of something may differ from one individual to the other. What therefore to Plato may not have been a serious reason, to someone else it could have been. This partly explains why even today someone may kill himself over a reason (for example shame occasioned by having failed an exam) that to another person may not be enough reason to warrant terminating life.

Plato believed that pain and other such misfortunes could sometimes make life intolerable and hence not worth living. When life is intolerable, man can terminate it. This position of Plato is in direct favour of voluntary euthanasia. And to him therefore, a patient whose sickness makes living intolerable can seek the termination of his life. Plato however did not mention anything about those in pain but unable to terminate or ask for the termination of their lives. It is neither clear from him whether somebody else can come to

the conclusion that another person's life is intolerable and hence terminate it. But it is unlikely that he could have objected to the termination of the life of a patient who, for example, is in a "vegetable state", in his ideal state, given his support for infanticide. There could be no reason for him to support a life that has degenerated healthwise and whose mind is not functional.

Aristotle (384 BC -323 BC) another great philosopher in ancient Greece, objected to man killing himself. He had two reasons for this objection. First, he saw it as a show of cowardice to kill oneself. Secondly, he saw it as an injustice against the state. In the Nicomachean Ethics, he talks against seeking death. And as quoted by Pretzel Paul, he says:

*To seek death in order to escape from poverty or the pangs of love, or from pain or sorrow, is not an act of a courageous man but rather of a coward, for it is weakness to fly from trouble...*<sup>8</sup>

It was justifiable to Aristotle for the state to punish people with suicidal tendencies because man is the property of the state. To him, man has no right to deprive the state of any of its properties. Killing oneself is to him an injustice not to the victim but to the state, as the victim suffers willingly. Doing so is an offence that the state should discourage its members from. Aristotle's emphasis is on the state, saying that man has no right over the state's properties, properties that include his life. Undertoned in this position is the idea that it is the preserve of the state to deprive itself of its properties but not man bringing about this deprivation. This idea seems to have been concretised and become a principle in most countries. States have reserved to themselves the right to kill. In Kenya for example, the state approves capital punishment but at the same time punishes those that attempt suicide or those

that assist others to commit it.

Aristotle's assertion that to kill oneself is a show of cowardice can be contested. This can be done on the ground that many people, as Socrates realized, are terrified of death such that whoever chooses it, as the stoics had to say later, was a brave person.

Aristotle however like Plato was for infanticide. He saw no need of rearing maimed children. In his ideal state therefore, invalids were not to be reared for they could not be useful or be of any help to the state. Aristotle's concern was mainly with the state. May be he recommended infanticide because invalids can be a burden to the state. And that is why it is the state, but not the parents, according to him, that should determine whether a child should live or die. Anybody who adopts this argument, that invalids are not useful to the state, but only a burden, and hence they should be killed, can as well say that it is not wrong to kill a terminally ill patient or a "human vegetable". This is because such patients may not recover and be useful to the state; they only remain a burden to the state. To him (Aristotle), such a decision must be made by the state, or perhaps one of its arms (for example courts), but not the patient himself or his family and relatives.

Epicureanism, the philosophy of Epicurus (341 BC - 270 BC) and his followers, was interested chiefly in the question of killing oneself (suicide). Of killing invalids and therefore euthanasia little is heard. But their reasons for killing oneself are very relevant to voluntary euthanasia.

Unlike other philosophers before them, the Epicureans didn't believe in the immortality of the soul. They taught that the human soul is a combination

of atoms that perish with the body. To them, the gods, although existing, do not intervene in this world, or punish the wicked, for there is no here-after.

The Epicureans had a firm stand concerning killing oneself. They were in the first place not terrified by death. To them, death was simply the end of existence, an end that could be hastened if the individual found life intolerable. Their credo was enjoyment of life hence Epicurus taught that 'pleasure is our primal and congenital good'.<sup>9</sup> To him, when life ceases to be enjoyable, it also ceases to be necessary and hence not worth living. What gives meaning to it is the pleasure derived in the process of living. Hence, if the process of living is not pleasurable but intolerable one should terminate it.

Lucretius, an Epicurean poet, articulated the general thought of his school when he said, as quoted by Pretzel that:

*If one day, as well may happen, life grows wearisome, there only remains to pour libation to death and oblivion. A drop of subtle poison will gently close your eyes to the sun and waft you smiling in the eternal night whence everything comes and to which everything returns.*<sup>10</sup>

And indeed when his life became wearisome, that is, when he was sacked, he killed himself. To the Epicureans, man has to be at peace with himself; being at peace meant being happy. When there is no happiness, because of, for example, incessant pain, occasioned by an incurable disease, one should take it (the life) away. To them, the issue of life having meaning in itself, and the gods having a purpose for it did not arise, the gods did not intervene in man's life and other activities in the world.

Given these teachings, voluntary euthanasia would have been acceptable to the Epicureans. This is because, for a patient to request for euthanasia, he must have found life unhappy and intolerable. And since to them there is no

need for living an unhappy life, terminating it would not be wrong. The Epicureans shunned from saying something about a person killing another or assisting another to commit suicide because he or she thinks that the other person's life has ceased being happy. May be, to them, it can be difficult for a person to determine the unhappiness of another person's life, especially if that person cannot express it.

Some of the teachings of the Epicureans are contrary to reality. In particular is the belief and teaching that one should always live a happy life. This is setting a standard that cannot be achieved. At no time will one's life be happy all through. The truth about life is that one 'can be happy today, unhappy tomorrow and happy the next day; this goes on until one dies. To the Epicureans, when one's life is unhappy, he should kill himself. Who on earth has never felt intolerable pain or shame? And how many people have been sacked, the way Lucretius was? If whenever one felt intolerable pain he killed himself, and whenever one was sacked he killed himself, who would be living now?

Stoicism, a philosophy named after the *Stoa Poikile*, a hall in Athens where it was first promulgated by Zeno of Citium, like Epicureanism was interested only in taking away life in the form of suicide. To the stoics, when one was tired with life, he was to simply switch it off by killing himself. This however, was to be out of reason, will and integrity, as they taught that 'life consistent with nature and with reason is the goal of human existence".<sup>11</sup>

The greatest exponent of stoic views concerning death was a Roman statesman called Seneca. Seneca said that it was the quality and value of life

that was important, but not mere existence. He believed that reason as man's capacity for determining quality could at certain times lead one to prefer dying to living. And because through reason, man freely chooses what to do in life, it can also freely lead him to choose death. He observed that:

*If one death is accompanied by torture, and the other is simple and easy, why not snatch the latter? Just as I shall select my ship when I am about to go on a voyage, or my house when I propose to take residence, so shall I choose my death when I am about to depart from life.*<sup>12</sup>

To Seneca therefore, because man chooses many things in life, he can also be free to choose death. This assertion may however be contested in the sense that being free to make decisions in life may not necessarily give one the freedom or the right to terminate one's own life. What this means is that being free to do something does not mean being free to do every other thing. Moreover there seem to be no absolute freedom in doing whatever one wants to do in life. Other people's welfare (especially those one relates to) make people censor what to do in life. The extent to which such institutions as the family and the state exert pressure on one's freedoms cannot be overlooked. For example, does one just choose where to reside without putting in mind the wishes of say his children, wife, father and so on?

To Seneca life can sometimes be so frustrating and quite unbearable. When in this state, one should choose death. He says:

*... life has carried some men with the greatest rapidity to the harbour, the harbour they were bound to reach even if they tarried on the way, while others it has fretted and harassed. To such life, as you are aware one should not always cling. For mere living is not a good but living well.*<sup>13</sup>

To him, a wise man is he who lives as long as he ought, not as long as

he can. He (the wise man) always reflects about the quality and the quantity of his life. If in life there are troubles and disturbances making life bothersome, one should free himself by ending his life. The issue, he says, is not dying earlier or later, but dying well. Dying well to him means escaping from the danger of living ill. He concludes by saying:

*Must I wait the cruelty either of disease or of man, when I can depart through the midst of torture, and shake off my troubles? This is the one reason why we cannot complain of life. It keeps no one against his will. Humanity is well situated, because no man is unhappy except his own fault. Live; if you so desire; if not, you may return to the place whence you came.*<sup>14</sup>

The Stoics saw death as the quickest solution to any pain or suffering. Voluntary euthanasia would be most welcome to them. If Zeno for example, as written by Trowel, H. killed himself because of a broken finger<sup>15</sup>, would he not have recommended euthanasia in the case of terminal illness? Zeno's broken finger was painful and hence made him suffer. This made life intolerable to him. To eschew this, he killed himself. This was in strict conformity to the teachings of his school, the school that celebrated killing oneself as a noble and heroic deed. Euthanasia, as a way of escaping suffering, and a way of bringing about an easy death would be welcome to the Stoics. Although what the Stoics say does not directly include involuntary euthanasia, it is unlikely that they could object to it especially if the patient has been, for example, in a coma for months or even years.

## 2.2 AUGUSTINE, AQUINAS, HUME AND KANT

Augustine, Aquinas, Hume and Kant are philosophers whose contribution to the question of whether it is proper for man to choose death, and whether

he can claim this as a right cannot pass unconsidered. Their contribution, albeit not referring directly to euthanasia but suicide, are very relevant to this study especially when it comes to voluntary euthanasia.

### 2.2.1 St. Augustine

St. Augustine of Hippo (354 AD - 430 AD), a great Latin Church father born in North Africa, found no authority in killing oneself. He opposed the Stoic teaching that when in pain one should terminate his life. He didn't believe that killing oneself indicates greatness of spirit. Being a staunch christian (he was converted in 380 AD and became the bishop of Hippo in 395 AD), he in The City of God argues that there is no authority which allows christians to cause their own deaths.

Voluntary death, he argues, can never be a sign of magnanimity or greatness of spirit. Destroying oneself because of causal miseries or other oppression was to him wrong. To him, people should always endure hardships. Destroying oneself by death is seen by him as an error and a sin before God. It is a sin before God because it is contrary to one of the ten commandments that God gave. Augustine therefore invoked the sixth commandment, "thou shalt not kill" to back his position. To him, this commandment outrightly condemns killing oneself, hence, suicide is wrong and an evil that should be condemned.

St. Augustine also saw life as a gift from God. Life being a gift from God can only be taken away by Him. This assertion can however be contested. If life is a gift from God to man, why should He (God) claim to have or be believed to have control over it? The contrary may be the case, for example if,

A gives B a cloth as a gift, it will definitely be upon B to decide when to use it, when not to use it and when to dispose of it. This may be so because a gift *ipso facto* becomes the property of the recipient. It is a weak argument to use the idea of life being "a gift" from God to object to terminating it, unless the argument is that God has only leased life to man. It would however be erroneous to argue that because life is a gift from God, and one is free to do anything with a gift given to him, man is free to terminate his life. Life definitely differs from other things that man may get as a gift. If at all life is a gift, it is a gift with a difference. This is because it is life that makes man be what he is.

Whereas St. Augustine opposed the idea of someone killing himself, he approved martyrdom. To him, martyrdom is an act of bravery for the faith in God. It is not wrong to lose life while serving God, the giver of that life.

### 2.2.2 Thomas Aquinas

St. Thomas Aquinas (1225-1274), a scholastic philosopher born at Roccasecca near Aquino in Italy, wholly agreed with St. Augustine. In *summa Theologica* he is of the view that man should not kill himself. This is because killing oneself is contrary to nature as man desires to live. Man, to him has a debt to society and should not cancel it by killing himself. Like St. Augustine, he saw life not as a property of man but as a gift from God. And as St. Augustine, he saw the commandment forbidding killing as a forbiddance of not only killing someone else but also oneself. The commandment forbids killing man and killing oneself is killing man.

Aquinas generally advanced three reasons why he felt it is wrong,

unlawful and sinful for someone to kill himself. First is that everything naturally loves itself in being, and resists death as much as it can. To him, killing oneself is contrary to the natural law and to charity. The second reason, he says, is that every part belongs to the whole. Every man is part of the community. He belongs to the community and hence by killing himself man injures the community. Thirdly is that life is God's gift to man hence it is subject to God's power. To him, given the above reasons, killing oneself is a sin in relation to oneself, the community and to God and hence it is opposed to justice.

Aquinas recognised the fact that man is free to choose what to do in life. And that man can also model life to the standard he wants. As far as this is concerned, man is a master of himself. But termination of life, to him, is not subject to man's free will but to the power of God. Everything to him is justifiable as long as it is divinely mandated. For this reason, directly taking away innocent life, adultery and fornication can be justified only when such actions are divinely mandated, that is, when God commands so. Thus, directly ending innocent life, as Abraham was about to kill his son Isaac, as narrated in the Bible, was moral and good because God had commanded. To Aquinas therefore, it is only when God commands can killing someone be justified and acceptable. To him, life is given by God and it is He who knows when and how to take it away. It is wrong and indeed a sin for man to usurp this prerogative of God.

From the views of Augustine and Aquinas, and these views have influenced the current christian stand especially catholic as regards killing, the following observations can be made. According to their stand, euthanasia,

whether passive or active, voluntary or involuntary is wrong and therefore unacceptable. The physician is not God and therefore cannot be competent enough to know who should live and who should die. And if a physician terminates the life of a patient, even if the patient clamours for it, this contravenes the commandment that forbids killing another person. However, in their views, if God was, for example, to mandate it, euthanasia would be acceptable.

Augustine and Aquinas object to killing oneself or killing another person by basing themselves on the commandment "thou shalt not kill", one of the ten commandments that God gave to man through Moses. This is in the Bible. The problem here is that not everybody in the world is a christian to believe in this commandment. The commandment may not be binding to a non-christian. It may hence be futile to convince a non-christian not to kill just because there is a commandment in the Bible that forbids. This means that the wrongness or badness of an action like killing should not be derived from a principle or an authority that is not universal. This is agreeing with Lamerton Richard that 'most of our society is not christian and that the minority who are have no right to impose their opinions on the whole nation'.<sup>16</sup>

This commandment cannot therefore be used as a universal authority to forbid all killings including euthanasia. Moreover, it is taken even among christians themselves that the commandment, which to Antony Flew (he will be considered later) is a misinterpretation of "thou shalt do no murder" is not against all killings. Consequently, the commandment has been taken to prohibit the killing of only an innocent person. And hence, a christian may go ahead

and kill a person who is not innocent, for example in self defence. If he kills another person in a bid to defend himself, it is argued, he will not have contravened this commandment. The commandment is therefore open to interpretations.

### 2.2.3 David Hume

David Hume (1711-1776), a Scottish philosopher and historian who lived in the era of enlightenment (era of reason), like many other philosophers of this time, upheld man's freedom to do as he willed with his life. He dismissed the idea of an immortal soul and considered that man could quite rationally kill himself. To him, killing oneself can be criminal only if it is a transgression of our duty either to God, our neighbour, or ourselves. To him this is not the case with suicide and hence it is not a crime.

According to Hume, we are entrusted with judgement and discretion in the various shocks of life and we may employ every faculty with which we are endowed in order to provide for our happiness and preservation. To him, a man who is tired of life and is haunted by pain and misery should bravely overcome the natural terrors of death, and escape from these miseries by terminating his life. Doing this, to him, does not in any way encroach on the right of the divine (God). To him it is false to say that God has reserved to himself the disposal of the lives of men, not submitting that event to the general laws by which the universe is governed.

To him, the lives of men depend upon the same laws as the lives of all other animals; the general laws of matter and motion. It is absurd therefore to say that since the lives of men are forever dependent on the general laws of

matter and motion, it is going against these laws to dispose off one's life. All animals, man included, are endowed with their own prudence and skill for their conduct in the world, and have full authority, as far as their power extends to alter the operations of nature. He says:

*... human life depends upon the general laws of matter and motion, and that it is no encroachment on the office of providence to disturb or alter these general laws ...*<sup>17</sup>

He adds;

*If I turn a side a stone which is falling upon my head, I disturb the course of nature; and I invade the peculiar providence of the Almighty, by lengthening out my life beyond the period, why, by the general laws of matter and motion, he had assigned it.*<sup>18</sup>

He observes that a hair or even an insect is able to destroy the mighty being (man) whose life is given such importance. He asks whether it is an absurdity to suppose that human prudence may lawfully dispose of what depends on such insignificant courses. To him, it is foolish for one to imagine that he has no power to terminate his life. This power, he says, is from God, for there is no being which possesses any power or faculty, that it received not from its creator nor is there anyone, who may ever by so irregular an action, encroach upon the plan of his providence or disorder the universe.

To him, a man who retires from life by terminating his life does no harm to society. What happens is that he only ceases to do good, which if it is an injury, is of the lowest kind. He consequently observes that he (Hume) is not obliged to do a small good to society at the expense of a greater harm to himself. He fails to see why he should prolong a miserable existence, because of some frivolous advantage which the public may perhaps receive from him. To him therefore, killing oneself can be consistent with "interest and duty" to

ourselves, for no man can throw away life that is worth keeping. He says that both prudence and courage should engage us to rid ourselves at once of existence when it becomes a burden. This, to him is the way that we can be useful to society, by setting an example, which, if imitated, would preserve to everyone his chance of happiness in life, and would effectively free him from all danger of misery.

In summary, Hume advanced mainly two reasons why he thought that it is not wrong to kill oneself when in pain. The first is that terminating life does not encroach on the right of God. To him, God has not reserved to Himself the disposal of men's lives. God has submitted this event to the general laws of nature and that is why a hair, an insect or a rolling stone can, for example kill man. God has also submitted this power to man himself and that is why he can kill himself. Considering what goes on in the world, this argument is plausible. A keen look at how men meet death leaves doubt as to whether it is God who takes life away. For example, men are killed by wild animals, they die of malaria, due to a mosquito bite, and floods, erupting volcanoes and earthquakes do claim human lives. Is this God taking away human life? To him, this is nature but not God.

But if it is true that God uses such methods to take away human life, it can be possible for him to use an individual to kill himself. And if it is possible for God to use a man to kill himself then an individual who takes away his own life is not at fault. But this sounds absurd. One therefore may be led to agree with Hume that God has not reserved to himself the right of taking away man's life. He has given that power to nature and to man himself.

Hume's second argument is that a man who kills himself does no harm to society. That what happens is that man only ceases to do good. To him, there is no need of prolonging a miserable life just because the public derives some good from it. However, taking away one's life may deny the public some good and also may do some harm to society. For example, some unexpected deaths of leaders (especially political heads) have led to bloodshed and total disintegration of societies and hence bringing harm to society. Hence, a leader whose death can lead to such episodes does harm to society if he kills himself. It may therefore be wrong to kill oneself if the death can bring harm to the society.

#### 2.2.4 Immanuel Kant

Immanuel Kant (1724 - 1804), a German philosopher born in Konigsberg, Prussia, vehemently castigated killing oneself. He held that human life is sacred and has to be preserved at all costs. In his doctrine of virtue, Kant saw man as having two duties. First to himself and secondly to other men. As regards duty to oneself, he says; it is man's duty to increase his natural and moral perfection. The duty of increasing his (man's) natural perfection forbids him from acting contrary to 'the end' of his nature, by killing himself. Man ought to strive for self-preservation. This is in conformity with the dictum 'live according to nature, that is, preserve yourself in the perfection of your nature'.<sup>19</sup> To him, one of the vices that conflict with man's duty to himself is self-murder. Man's duty to himself is to improve his life but not to destroy it. Hence, destroying it is self-contradicting, for one cannot use the urge to improve life to destroy it.

To Kant, underlying the notion of duty is the concept of "imperatives" or practical principles which prescribe and proscribe actions. Taking one's life is to him inconsistent with the categorical imperative by which every act has to be judged. Categorical imperative was Kant's principle of universality. The principle is 'Act only on a maxim through which you can at the same time will that it should become a universal law'. To David Ross, this categorical imperative should be taken to mean "Act only on maxims such that in adopting them you can at the same time wish that they be adopted by all men and always".<sup>20</sup>

Killing oneself cannot withstand the test of universality, Kant observed. To him, universality is an essential part of the moral attitude, hence any reason for or against any action must be capable of withstanding its test, that is, whether it would apply to anybody without exception, granted similar circumstances. He observed in Fundamental Principles of Metaphysics of Morals:

*A man reduced to despair by a series of misfortunes feels wearied of life, but is still so far in possession of his reason that he can ask himself whether it would be contrary to his duty to himself to take his own life. Now he inquires whether the maxim of his action could become a universal law of nature. His maxim is, from self love adopt as a principle to shorten my life when its longer duration is likely to bring more evil than satisfaction. It is asked then simply whether this principle founded on self-love can become a universal law of nature. Now we see at once that a system of nature of which it should be a law to destroy life by means of the very feelings whose special nature it is to impel the improvement of life would contradict itself and therefore could not exist as a system of nature; hence that maxim consequently would be wholly inconsistent with the supreme principle of all duty.<sup>21</sup>*

Kant's main concern however, seems to have been to expressly defend the principle of universality other than defending the principle of preserving life.

He for example, as quoted in A Dictionary of Christian Ethics asserted that one ought not tell a lie, even if it meant saving the life of a man pursued by a would be murderer, just because lying is bad.<sup>22</sup> He gave priority not to the principle of preserving life, but to the principle of truthfulness as something that should be universally held. And to him therefore, the guts of morality were to be found in the experience of doing one's duty for duty's sake and for no other reason.

Kant's two reasons for rejecting suicide and by extension voluntary euthanasia need a close look. His first reason is that man's duty is to preserve but not to destroy himself. This is man's duty to himself. This is a universal principle and hence it is a duty that should be upheld at all times regardless of whether one is in pain or not, or whether he is happy with life or not. Secondly, to Kant, killing oneself is inconsistent with the principle of universality as it cannot withstand its test. Hence, killing oneself is inconsistent with the categorical imperative that man ought to preserve his life at all times.

Kant's theory is a moral one that states that in order for actions to be morally obligatory, they must be universalisable. He dispensed with the quest for happiness or satisfaction as a criterion for the morally right. This theory puts emphasis on principles. The principles have to be adhered to. An action is wrong if it violets the principle. According to this theory, euthanasia is wrong. Voluntary euthanasia would be wrong because volunteering to be killed is violating the duty to oneself which entails preserving oneself. And non-voluntary and/or involuntary euthanasia, which entails terminating a patient's

life without his consent is wrong as it violates the principle of "duty to other men". It is man's duty to respect and love others. Killing them even if it is out of mercy would be violating this, for loving and respecting someone cannot mean terminating his life.

### 2.3 THE CURRENT DEBATE ON EUTHANASIA

As stated in chapter one, the current vigorous debate on euthanasia was sparked off by L.A. Tollemache in 1873 following his article "The new cure for incurables". It is however in the 20<sup>th</sup> century that scholars started to forcefully contribute to this debate, thereby writing and publishing books in which they either supported or rejected euthanasia. The reason for this is that this century has witnessed the fabulous success in medical science and technology, some of which raise moral questions. The century has witnessed for example machines that keep a "human vegetable" alive for a long time. Some of these machines were never known before. For example there is cardiac 'pace maker' a machine that can restart a heart that has stopped beating.

The century has also witnessed the emergence of societies that clamour for the legalisation of voluntary euthanasia.<sup>23</sup> These societies are called voluntary euthanasia because most proponents of euthanasia have tended to restrict themselves to the plight of the unbearable suffering patients who wish and express the desire to die. They shun involuntary situations like putting to death the congenital idiots, the permanently insane, the seniles and deformed children, as their concern is with putting to death a rational, self-conscious being expressing the wish and desire to die.

### 2.3.1 Pro-euthanasia scholars

There are many scholars who for various reasons support euthanasia. All of them cannot be considered here. The selected ones are representative enough and therefore should suffice. Joseph Fletcher.<sup>24</sup> is a scholar who has greatly supported voluntary death. In "ethics and Euthanasia", he contends that there is no justification of letting someone die a slow and ugly death dehumanised, when it is possible to help him escape from such misery. He argues that what should count ethically should be whether human needs come first, but not whether the ultimate sanction is transcendental or secular.

On the claim that to terminate life is to play God, he wonders whose God we are playing. He argues that the present world is highly technical, hence the need to be very objective in whatever we do or decide, other than leaving everything to God. As if replying Augustine and Aquinas, he observes;

*The old God who was believed to have a monopoly control of birth and death, allowing for no human responsibility in either initiating or terminating life was a primitive 'God of the gaps' a mysterious and awesome deity who filled in gaps of our knowledge and of the control which our knowledge gives us. He was, so to speak a hypothecation of human ignorance and helplessness.*<sup>25</sup>

He says that men are now turning to a God who is the creative principle behind things, who is behind the test tubes as much as the earthquake and volcano. Such a God, he contends, can be believed in. To him, the old God's sacralistic inhibitions on human freedom and research can no longer be submitted to.

In "The patient's Right to Die", he wonders what the moral deference between doing nothing to keep the patient alive and giving a fatal dose of pain-killers or lethal drugs is. To him the result is the same either way - the death

of the patient. On the argument that euthanasia is an interference to nature, he says that it is in fact medicine that interferes with nature. Medicine, he says, freely co-operates with or counteracts and foils nature to fulfill humanly chosen ends. Quoting Thomas Sydenham, he says, "medicine is the support of enfeebled and coercion of outrageous nature".<sup>26</sup> To him, brute nature imposing an agonized and prolonged death is outrageous to the limit, and to bow to it, that is, to leave things in God's hands, is the last word in determinism and fatalism. This, he sees as the very opposite of a morality that prizes human freedom and loving kindness.

Christiaan Barnard, a medical doctor famed for having performed the world's first human heart transplant (3<sup>rd</sup> December 1967) and first double-heart transplant (25<sup>th</sup> November 1974), makes outstanding revelations in "The need for euthanasia". He says that he is not ashamed to admit that for many years he has been practicing passive euthanasia. He adds that passive euthanasia, unlike active, is generally accepted in most countries today and is carried out by most members of the medical profession. He says how he even practiced it on his mother:

*... in fact, I practiced it on my own mother. After years of illness, during which she often used to say 'Oh why doesn't God take me?' she suffered a severe stroke. Her age was now ninety five, and she had suffered enough. The last words she spoke to me were; Thank you very much'. I wondered what she was thanking me for, but then I realized that she knew that her suffering was about to be brought to an end by death, and she was thankful for that.*<sup>27</sup>

Barnard wonders why a patient should wait so long for death to come. He criticises the claim that suffering is good as a path to spiritual greatness. He says that for over 40 years he has been a doctor, he has never believed that

anyone is ennobled through suffering. He says

*I have never seen any nobility in a patient's thrashing around all night in a sweat soaked bed, trying to escape from the pain that torments him day and night. I have never seen what nobility there is supposed to be in either a pain-crazed face or the drug saturated sedation of a patient who, while feeling no more pain, can no longer make contact with his surroundings or other people. To my mind when the terminally ill patient has reached this stage, the best medical treatment is death. I don't consider death to be the real enemy, death is often a friend.<sup>28</sup>*

He says that it is not true that doctors are there to prolong life, they are there in order to improve the quality of life, that is, giving the patient a more enjoyable life. And that was, he says, the aims of the heart transplants he undertook, to remove the distressing symptoms of heart failure. He further says that the question that should be asked of any medical treatment is not "How long did the patient live?" But "How did the patient live?" To him, this is what should apply when doctors are dealing with terminally ill patients. As medical doctors, he says, what they should ask themselves is whether there is still any quality of life left. The doctor who is unconcerned about the quality of life is to him inhuman, and the real enemy he says, is not death but inhumanity.

He says that he has never practiced active euthanasia. He is not proud of this. As a doctor, he says, he has often seen the need for euthanasia. In South Africa, where he hails, he says, active euthanasia is illegal and anyone who practices it can be tried for pre-meditated murder. This is an offence that carries a death penalty. He finds total contradiction in this law. To him, it reflects in having inconsistent attitudes towards killing. Throughout history, he says, the rulers have reserved the right to send their own people out to kill other people in the battle field, and that they are sent off with tremendous

national pride, to the accompaniment of martial music and waving of flags.

He says that it is not the old people or the cripples or the social deviants who are chosen to kill and risk being killed. It is those who are young and medically fit. Refusing to go for the military training, he says, can mean a gaol sentence, and refusing to kill on the battle field can mean being sentenced to death; while those who achieve the most killing are treated as or become heroes. It is strange, he observes, for the society to accept this mass killing of healthy young people, but that if a doctor actively hastens the death of an individual who has reached the end of his enjoyable life, with no hope of its restoration, and who faces a future of nothing but suffering and pain, people should throw up their hands in horror.

Antony Flew, emeritus professor of philosophy in the University of Reading, concerns himself with deploying a general moral case for the establishment of a legal right to voluntary euthanasia in "The Principle of Euthanasia". He does not therefore advocate the euthanasia of either the incurably sick or the miserably senile except in so far as this is the strong, constant and unequivocally expressed wish of the afflicted candidates themselves.

He says that any patient whose condition is hopeless and painful, and clearly and continuously desires to die should be enabled to do so. A law that tries to prevent sufferers from achieving quick death and thereby forcing other people who care for them to watch their (patients) pointless pain helplessly, is to him a very cruel law. And to him, a law that insists that there must be no end to the process of life, terminated only by the over due relief of death by

natural causes, is a very degrading law.<sup>29</sup>

Flew says that 'Thou shalt not kill' is a mistranslation of 'Thou shalt do no murder' hence he adds, neither the children of Israel nor even their religious leaders construed this as a law forbidding wars and capital punishment. He is here suggesting that to reject euthanasia while basing on a mistranslated commandment is wrong. On the assertion that human beings, their lives included are God's property, he says, as it stands, must apply to all artificial and intentional shortening or lengthening of human life, one's own or that of anyone else. Otherwise, he adds, one must find further particular moral revelations by which to justify capital punishment, war, and medicine.

He secondly says that the assertion (that humans are God's property) seems to presuppose that a correct model of the relation between man and God is that of a slave and his master, and that respect for God's property ought to be the fundamental principle of morals.

In supporting euthanasia, Daniel Maguire, once a professor of Theology at Marquette University, in 'Deciding for yourself; The objections' invokes the old Latin axiom, *abusus non tollit usum*, that is, the fact that something can be abused does not mean that it should not be used.<sup>30</sup> Rather, the use should be promoted if it is good and the abuses curtailed by every means available. This is a response to the claim that if legalised euthanasia can be abused.

On the popular christian belief that it is God's prerogative to determine the end of man's life, but not man himself, he argues that this objection if taken literally can paralyse technological man. He observes that "if it is wrong to accelerate death, by what right do we delay it by ingenious cures and

techniques".<sup>31</sup> And to him, if it is God to decide when to die, then medicine does temper with this right or prerogative by putting off the moment of death and thus frustrating God in his effort to claim his property.

Maguire refutes Thomas Aquinas' contention that suicide or even direct ending of man's life by another could only be known to be good if God gave an explicit order. He sees the divine mandate in the present era as to think, feel, listen and do all the things that make a moral being fully alive in all of his sensitivities. He sees moral authority now not as coming from "mountain top" but from within the struggling moral community, where men attempt to know the limits of their God.

Louis Shattuck Baer in "Let the Patient Decide" argues that life is the property of the individual and that it is not right for him or her to fruitlessly attempt to prolong it.<sup>32</sup> Life, he argues, is not to be judged by physical (biological) existence. He does not see the body as an end in itself, and therefore he doesn't approve of preserving it when it has lost value. To him, life means productivity, hence, a life without this productivity is useless and unworthy preserving.

Baer's sentiments are echoed by Marvin Kohl, who as Kiogora writes argues that the quality of life ethic should supersede the sanctity of life ethic.<sup>33</sup> And to him, we should honour quality but not quantity of life. We ought, he observes, not to regard death as an enemy all times.

Pro-euthanasia scholars, as it is evidenced above, have two ways of arguing for euthanasia. First is that they support it on the basis of the contradictions surrounding 'killing of a human being' and from what those

opposed to euthanasia say. They also advance their own reasons for justifying euthanasia.

The first contradiction that they point out is to do with not condemning the killing of healthy and strong men yet condemning the killing of feeble and emaciated ones. The argument is that if it is right and proper to expose healthy and strong men to death in wars, and if they are killed as a form of punishment, it should also be right and proper to mercifully kill a suffering patient who may even be clamouring for death. If the latter is condemned, the former should not be condoned for they all mean terminating man's life. Undertoned in this argument is that if the principle of preserving life can be violated in some occasions, it can also be rightfully violated in euthanasia.

What this shows is that the condemnation of euthanasia is not out of a general principle of preserving life. If it is, all other forms of destroying life can not be allowed or condoned. If the condemnation is out of this principle, then the state of affairs as it is now is illogical as it is contradictory. The argument can for example run as follows:

- i. All killings are bad (out of the principle of preserving life).
- ii. Euthanasia is a form of killing.
- iii. Capital punishment is a form of killing.
- iv. Capital punishment is justifiable but euthanasia is not.

The other contradiction is from what some scholars say concerning the act of terminating the life of a patient as an act of mercy. Some of those opposed to euthanasia as will be seen later, and as already evidenced in Aquinas and Augustine, argue that it is wrong to terminate the patient's life as

this is interfering with God's plan. It is a direct violation of the supreme dominion of God over His creation. Maguire, as already observed, for example, finds a contradiction in this. This is in the sense that if it is wrong to accelerate death, it should also be wrong to delay death by ingenious cures and techniques. This is because if it is the right of God to take away life, cures and techniques of prolonging it must be interfering with God's right. Using this contradiction, pro-euthanasia thinkers find it plausible to accelerate death when all curative measures have failed. To them, this is not interfering with God's plan just as prolonging life does not interfere with this plan.

The last contradiction that has led some scholars to justify euthanasia is to do with suffering on earth. Some scholars opposed to euthanasia especially those who do so on moral-theological grounds, as will be seen, say that suffering is good, for it is a path to spiritual greatness. To them, when one is suffering, say he is suffering from a painful incurable disease, he should not be bitter and think of terminating his life since God has a purpose for that suffering. This can literally mean that if, for example, someone is critically ill and therefore suffering, this is good. And this is where the contradiction comes in. Suffering is never accepted as a normal thing. When it comes, all ways including praying are applied to combat it. When for example someone becomes sick, all attempts are made to cure him. The patient is never left to suffer just because God has a purpose for that suffering. These attempts at alleviating suffering is what has led to doubt whether it (suffering) is part of the divine plan. And this has led some scholars to believe that all means of evading suffering, including terminating life should be applied.

Pro-euthanasia scholars also support euthanasia on the basis of life itself. To some, it is quality other than quantity that matters in life. To them therefore, it is what comes from a living person that gives meaning to life. Mere existence to some has no value and that is why they insist on quality. To them, a non-qualitative life, say a comatose patient has no value and hence there is nothing wrong in terminating the life of such a patient.

### 2.3.2 Anti-euthanasia scholars

There are some scholars who have forcefully come out to condemn and denounce euthanasia. There are various grounds upon which they base their arguments. These scholars are many. For practical reasons they cannot all be considered. The selected ones should be representative enough.

Lamerton Richard is of the view that euthanasia is irrelevant and that the question of it being right or wrong, desirable or repugnant, practicable or unworkable does not arise. In Care for the Dying he observes that proper care is what is needed as its (euthanasia's) alternative. People die, he says, in distress due to lack of proper care. It is this that leads people to suggest euthanasia as a solution. And people are lonely, miserable and in pain because no one has troubled to believe them. The substance of our lives is to him, in relationship with others. And hence he observes, euthanasia can interfere with the community that is interlocked, not with isolated individuals.

To Lamerton, instead of thinking of euthanasia we should be striving to provide for the needs of the dying who as a result cannot prefer euthanasia. This, to him, is a duty. Nature, he says, requires of us to provide our best care,

our greatest concern, our strongest protection for the infant and the senile and the dying because they cannot help themselves. Failing to provide for the needs of the dying is to fail in a basic duty. The self-evident requirements of a dying man, he says, are to have his symptoms relieved, and to be allowed to die with dignity and peace of mind. It is our duty to care for these patients so that they never ask for euthanasia. And to him, a patient who is longing to die is not being treated properly, the solution is to improve treatment but not to kill him.<sup>34</sup>

He dismisses the justification of voluntary euthanasia on the ground of distressing disease. Distress is subjective and hence there is no ground to accept a patient's assessment of whether it is severe or not. And to him, there is no way of telling whether a patient's depression is pathological, or normal and reasonable in the circumstances. He finds it difficult to find a dividing line between rational and irrational existence.

He identifies a problem with euthanasia. It is to do with mistaken diagnosis in medical practice. However much qualified a doctor may be, he says, he can mistakenly produce a candidate for euthanasia. To avoid this, he says, we should discard shortening patients' lives, for even there is no need for this. Properly cared for he says, the potential candidate for euthanasia will find new meaning in this very important part of life for dying is to him still a part of living. He says:

*... Death need not be the final crushing defeat. On the contrary, a man can make a positive achievement of dying, a great final step forward.*<sup>35</sup>

The principle of euthanasia, he observes, voluntary or involuntary would limit our freedom by introducing a new fear for the elderly and that it would

misdirect the findings of science, which were properly meant for man's use in overcoming his adversities, not for evading them by instant death. And to him, meaningless and useless life are descriptions that can never be applied to human existence of any kind with certainty and hence, he seems to agree with the moral theologians who point out that no life is meaningless in which some measure of self realisation is still possible.

Lamerton however does not support straining too hard to preserve life. Dying to him, is normal. Death is not an enemy "to be swarted and parried to the last grim moment". He therefore finds it odd for doctors and nurses to strain to preserve life at all costs. This is not their duty. Their duty, he says, is only to restore patients to health. And their concern should always be with the good health of the whole man not with the longevity of his body. To Lamerton therefore, it is not wrong to omit certain life prolonging procedures.

Paul Ramsey, who by the time he wrote Ethics at the Edges of Life was Harrington Spear Paine professor of religion, is opposed to euthanasia. He argues that life is a God given gift. To him, life is a trust not a subject of ownership by human beings. And to him, it is immoral for man to choose death. He writes:

*The immorality of choosing death as an end is founded upon our religious faith that life is a gift ... to choose death as an end is to throw the 'gift' back in the face of the giver; it would be to defeat his gift giving.<sup>36</sup>*

He contends that man should not choose death. Rather, he should, ~~choose how to live while dying~~. What should concern a terminally ill patient is how the last days shall be spent, but not how to shorten them. Consequently, a dying patient may have an ethical right to refuse treatment and thereby be

choosing how to live while dying. However, it may be argued that refusing treatment is in itself inducing death passively. This is because the effect of refusing treatment can be death. It is not clear why Ramsey condemns and terms it immoral the act of actively putting a patient to death and advocate for the right of the patient to refuse treatment yet the consequences of both can be the same, death.

Arthur J. Dyck, who was once a professor of Population Ethics and professor of Christian Ethics, thinks, in 'An Alternative to the Ethic of Euthanasia' that man, whether a physician or not, is not capable of knowing who should live and who should die. To him, it is only God who is in a position to know because it is He who knows everything about people, including their ultimate destiny. This knowledge gives God the prerogative of knowing who should live and who should die. And to him therefore, trying to decide who shall die is playing God.<sup>37</sup>

He further argues that terminating life is an act that ends all chances regarding what one's life and whatever is left of it to symbolise. He observes that those left behind can remain in perpetual suffering and pain occasioned by that death. He adds that if a person can take his or her own life whenever he or she no longer finds it meaningful, there cannot be anything to prevent anyone from taking his or her life no matter what the circumstances. To him therefore, if voluntary euthanasia is legalised for example, it can lead to an increase in suicide. His stand is that we should not assist a patient to die as every life, however hopeless it may be, has some worth. And hence, at no time can life not be worth living.

Robert F. Drinan, a lawyer by profession, in "Should There be a Legal Right to Die" says that human life is more precious than any other conceivable object. He says that consenting to give up one's most precious possession, must similarly be protected not merely on behalf of the individual concerned, but for the peace of society.

He is also of the view that if voluntary euthanasia is legalised, it can be abused. This is because it would be difficult to distinguish it from a suicidal case. For example, he says, if an incurably sick person desires to extinguish his life, it cannot be easy to distinguish the desire from the ordinary suicidal impulse resulting from a deep mental depression. It would be difficult to say that a person desiring to die out of a mental depression has freely consented to die. He says;

*If an incurable sick person desires to extinguish his life; it is not easy to distinguish such desire from the ordinary suicidal impulse which overwhelms certain individuals because of a severe disappointment or a deep mental depression. No one could say that these latter individuals have 'freely' consented to die, although their subjective despair may be greater and their desire to die more 'free' than persons incurably sick who desire euthanasia.*<sup>38</sup>

To Drinan, it is difficult to say the quality of freedom which has gone into the patient's decision to seek death. Hence, a doctor who may be committing euthanasia on a patient may merely be assisting suicide.

The opponents of euthanasia (particularly voluntary) advance numerous reasons why they feel and think that euthanasia is wrong and hence unacceptable. These reasons can be summarised as follows:

- i. That modern pain killing drugs obviate the need for euthanasia. The development in medicine has led to the invention of pain-killing drugs

that render euthanasia unnecessary. Instead of the proponents of euthanasia talking of intolerable pain, they should be talking of how best to administer these drugs so as to reduce, or completely do away with pain. And because there are such drugs, one should not be talking of terminating life because pain can be contained.

To Lamerton, the need for euthanasia arises from the poor care patients are given. To him, what is needed is not euthanasia, but an improvement in caring for the patients. Good care, he contends, makes euthanasia irrelevant.

- ii. The other objection arises from the difficulty of ascertaining consent from the patient, for the case of voluntary euthanasia, and arising from this, the danger of abuse. Most scholars, opposed to euthanasia point out that if legalised, euthanasia can be abused. First, they say it can lead to the increase of suicide cases (they of course say this by basing themselves on the principle of preserving life). Others argue that the law can be abused by the state hence leading to Nazi like episodes. And to others it may be risky to entrust the responsibility of selecting euthanasia candidates to the doctor. That this can be abused. Yale Kamisar,<sup>39</sup> for example, argues that to give the medical practitioner a wide discretion and trusting to his good sense raises too great a risk of abuse and to him it would be a mistake to change the law to permit euthanasia. He envisages the danger that legal machinery initially designed to kill those who are a nuisance to themselves may some day engulf those who are a nuisance to others.

- iii. The other argument is that it would contradict the aims of the medical profession if doctors are allowed to terminate patients' lives. A doctor's job, they say, is to save the life of a patient. Taking the patient's life away would contradict this. This argument, as already observed has greatly been contested, some scholars, for example Christiaan Barnard, argue that a doctor should aim at restoring quality of life but not quantity.
- iv. There is also what is called the 'wedge' argument. Briefly, this argument states among other things that what is wrong for a whole society is wrong for the individual. Applied to euthanasia, it is argued that it (euthanasia) is wrong because it is wrong for the whole society. According to Glanville Williams,<sup>40</sup> the 'wedge' objection is "the trump card of the traditionalist, because no proposal for reform, however strong the arguments in its favour, is immune to the wedge objection".
- v. The other set of arguments against euthanasia rests on the fallibility of medicine, doctor, and patient. There is for example the argument that incurable diseases occasionally regress spontaneously and hence it is wrong to terminate the life of a patient even if he or she is suffering from a disease believed to be incurable. The other argument is that even if the disease is proved to be incurable, cures can be discovered. Euthanasia, allows a risk of killing a person who could have been cured later by developments in medical knowledge. Thirdly, is the argument that mal-diagnoses are sometimes made. A doctor, the argument goes, is a human being and hence he is liable to making a mistake in

diagnosis. As a result of this mistake, the doctor can get wrong information about the state of a patient and hence induce death when in reality the patient's state does not warrant death. There is in voluntary euthanasia the possibility of a patient making a wrong decision in volunteering for euthanasia, it is argued. Impaired by pain or loneliness, a patient may clamour for euthanasia thinking that his state is worse when it is not. According to this argument a patient is incompetent to assess his own state. To avoid the mistakes inherent in these set of examples, those opposed to euthanasia argue that the idea of euthanasia should be discarded completely and hence it should not be legalised.

- vi. The last objection to euthanasia as clearly observed, is derived from the moral-theological view that life is given by God and hence it is He who is competent to know who should live and who should die. And that it is wrong for man to assume this role of God by terminating life through euthanasia. killing is seen to be morally bad as it entails cutting short somebody's existence. Euthanasia being a form of killing is seen to be immoral. To others, the immorality of killing and therefore euthanasia is derived from the argument that life is given to man by God and hence by terminating it, one would be terminating what does not belong to him.

In this chapter, issues related to life, that is its meaning, value and who gives it are just mentioned. These issues are deeply discussed in the following chapter.

NOTES

1. See Hastings, J. (Ed.) Encyclopaedia of Religion and Ethics, Vol. V, T. & T. Clark, Edinburgh, (1912) p. 600.
2. *Ibid.*
3. The thoughts of Pythagoras are extracted from Weir, R.F. (Ed.) Ethical Issues in Death and Dying and Encyclopaedia of Philosophy, Vol. 7 (Ed.) Paul Edwards.
4. Ferguson, J. Socrates: A Source Book, Mcmillian and Company Ltd., London (1970) p. 81.
5. *Ibid.*
6. *Ibid.*
7. See Pretzel, P.W. "Philosophical and Ethical Considerations of Suicide Prevention" in Weir, R.F. (ed.) Ethical Issues in Death and Dying, Columbia University Press, New York, (1977) p. 388.
8. *Ibid.* p. 391.
9. See Russell, B. A History of western Philosophy, Simon and Schuster Publishers, new York (1945) p. 87.
10. Pretzel, P.W. *Op. sit.* p. 338.
11. See Flew Antony (ed.) A Dictionary of Philosophy, Pan Books Ltd. London (1979).
12. Beck, R.N., Ethical Choice: a case study approach, The Free Press, New York (1970) p. 56.
13. *IBID.*, P. 54. 7
14. *Ibid.*, 56.
15. See Trowel, H. The Unfinished Debate on Euthanasia, S.C.M. Press Ltd., London (1973).
16. Lamerton, R. Care of the Dying, Priory Press Ltd., London (1973). p. 92.
17. Beck, R.N., *Op. cit.*, p. 73.
18. *Ibid.*
19. *Ibid.*
20. Ross David Kant's Ethical Theory, Oxford University Press, London (1954) p. 43.
21. Campbell, A.V. Moral Dilemmas in Medicine Churchill Livingstone Edinburgh, (1975) p. 43.
22. See Macquarrie, John (Ed.) A Dictionary of Christian Ethics, SCM Press Ltd., London p. 187.

23. These societies are found in the following twenty countries; Austria, Australia, Belgium, Canada, Columbia, Denmark, England and Wales, France, Germany, Holland, India, Japan, New Zealand, Norway, Scotland, South Africa, Spain, Sweden, Switzerland and U.S.A.
24. Fletcher was a professor of ethics and Moral Theology at the Episcopal Theological School, Cambridge, 1944-1970, and a visiting professor of Medical Ethics at the University of Virginia (Charlottesville), 1970-1975. He is professor (Emeritus) of the Society of the Right to Die in New York.
25. Fletcher, J. "Ethics and Euthanasia" in Weir, R.F. (Ed.), *Op. cit.*, p. 351.
26. Fletcher, J. "The Patient's Right to Die" in Downing, A.B. (Ed.), Voluntary Euthanasia - Experts Debate and the Right to Die. Peter Owen Publishers, London (1968) p. 66.
27. Christiaan Barnard, "The Need for Euthanasia" in Downing, A.B. (Ed.) *Op. cit.*, p. 176.
28. *Ibid.*, p. 174.
29. See Flew Antony "The Principle of Euthanasia" in Downing A.B. (Ed.) *Op. cit.*, 43.
30. See Maguire Daniel "Deciding for Yourself; The Objections" in Weir, R.F. (Ed.) *Op. cit.*, p. 325.
31. *Ibid.*, p. 328.
32. See Kiogora Timothy "Euthanasia; A Test Case" (Ethical Colloquium Spring 1983) Unpublished, pp 5 & 6.
33. See *Ibid.*, p. 9.
34. See Lamerton, R. *Op. cit.*, p. 95.
35. *Ibid.*, p. 99.
36. Kiogora, T. *Op. cit.*, p. 7.
37. Drinan, R.F. "Should there be a Legal Right to Die" in Weir, R.F. (Ed.) *Op. cit.*, p. 304.
38. Drinan, R.F. "Should there be a Legal Right to Die" in Weir, R.F. (Ed.) *Op. cit.*, p. 304.
39. Yale Kamisar "Euthanasia Legalisation: Some Non-Religious Objections" in Downing A.B. (Ed.) *Op. cit.*, p. 112.
40. Glanville Williams "Euthanasia Legislation: Rejoinder to Non-Religious Objections" in Downing A.B. (Ed.) *Op. cit.*, p. 165.

# CHAPTER THREE

## HUMAN LIFE: RELIGIOUS AND SCIENTIFIC

### PERSPECTIVES

#### 3.0 PREAMBLE

As observed in chapter two, there are thinkers who support euthanasia and consider it moral to terminate the life of a patient who is for example, in a "vegetable state". There are those who consider it wrong, immoral and therefore repugnant. The two 'antagonistic' sides reflect extensively on human life. In this chapter we attempt to explore issues related to this (human life). The exploration is necessary and important because some of the arguments advanced in the debate on euthanasia regarding human life are not clear. For example, statements like "life is given by God and hence man has no right over it" and "the life of a patient who is in a 'vegetable state' is useless" need a critical analysis and/or appraisal.

In the euthanasia debate, 'life' in general and 'human life' in particular, feature prominently. Some opponents of euthanasia as observed earlier subscribe to the doctrine of the sanctity of human life and hence take human life to be sacred. They argue that life is given by God and hence, it cannot just be dispensed with when one feels like. When they say that life is sacred, they are not referring to the life of a dog or to that of a plant. They are referring to that of man (human being). Questions do arise from this. What makes human life so special and unique? And how does sacredness come in? Why is the life of other animals and/or plants not sacred? Does human life differ from the lives

of other animals? Before attempting to answer these questions, we have to know what life is and some theories of its origin. This is necessary because going ahead and answering these questions would pre-suppose that we already know what life is and how it originated, a presupposition that may be wrong.

Life according to Hogg<sup>1</sup> is the power or the ability to reproduce. To her, "the essence of life is the replication of specific pattern, life is able to create a similar life". Life is that by which something has power to perform certain functional activities, for example reproduction, adaptation to the environment and growth, among others. Life is hence a condition that distinguishes organic objects, for example plants and animals, from inorganic objects, for example stones. Scientifically, Hogg states, life is associated with material tangible substance called protoplasm. This protoplasm, she says, is the living stuff of all creatures from the simplest fresh water algae to the forest oak, from amoeba to man<sup>2</sup>. Protoplasm is a heterogeneous mixture of chemical compounds endowed with the property of life, the capacity for self replication. To show that protoplasm is living, she says, it is always active, consistently changing, reviewing and replacing itself from moment to moment.<sup>3</sup> In biology, life proper in living organisms begins with the cell. And to Chardin,<sup>4</sup> "the cell is the natural granule of life".

Aristotle equated life to the soul. To him, the soul and life are the same and that they all mean breath. As Byrne<sup>5</sup> writes, Aristotle proposed that what we know as bodies are substances - entities which exist in themselves and not in another. He (Aristotle) contrasted substance with accidents. Accidents exist only in substances. In describing change, he said it was necessary to

distinguish accidental change (change of a substance with regard to its accidents such as quality, quantity and place), from substantial change (the coming to being or the passing of the substance itself).

To account for these two types of change, Aristotle proposed his hylemorphic theory. Hylemorphic theory was his theory of form and matter. He stated that all things that we come across are constituted in two things namely, matter and form. Matter is anything which has extension, that is, it occupies space. In his analysis of change in the universe, he said each body is a composite of matter and form. In living things, the substantial form, to him, was the 'soul'.<sup>6</sup> In any living thing (humans, animals, plants), he said, the soul makes it to be the 'body' and it is the source of its functions and behaviour. The form of a living thing is the soul. Plant soul he called vegetative soul, animal soul he called sensitive soul and that of man he called rational soul. And to him;

*The rational soul makes man a human being; But it is the exercise of one's mind and will that determines to what extent he will become fully human.*<sup>7</sup>

To Aristotle, it was the soul that greatly differentiated living from non-living things. Living things have a soul and non living things do not have a soul. But living and non-living things are both substances.

Although it is conventionally agreed, both in scientific and philosophical circles that there are living and non-living things, that is with life and those without life, some people for example, as Byrne observes, 'tend to surmise that all things are to some extent alive'. This view is variously articulated as animism, hylozoism or panpsychism. Animism, he says, is attributing life and

some principle of life, for example a soul, to all bodies or objects. And Hylozoism or panzoism is only regarding all bodies as alive. African peoples, J.S. Mbiti says, were considered by Europeans to be animists because of their (Africans) religious beliefs.<sup>8</sup> This was because they (Africans) were seen as seeing everything in nature as being filled with religious significance. He points out that 'man (An African) gives life even where natural objects and biological phenomena have no life.'<sup>9</sup> How then did objects acquire life? Or how did objects acquire the capacity to reproduce? These questions are the subjects of discussion in the next part.

### 3.1 THE ORIGIN OF LIFE

The question of how life originated is a fascinating one. It has led to the emergence of a number of myths and hypotheses trying to trace the origin of the universe, life and man. About the origin of the universe, Hogg observes that no verifiable theory is yet possible today, that at best all that there are, are attractive hypotheses.

Philosophers haven't shied away from the question of the origin of life. The early Greek philosophers (Philosophers of Ionian school) embraced the theory of the spontaneity of life. To them, living organisms originated in sea slime by the action of heat, sun and air.<sup>10</sup> To Thales, living things developed from the amorphous slime under the influence of heat. To Anaximander, every living thing arose in sea ooze and went through a succession of stages in its development. And to Zenophane, all organisms originated from earth and water. This theory of the spontaneity of life was entertained on the basis of

everyday observation. The theory considers life as having originated from lifeless inorganic matter.

This theory was also adopted by Epicurus and Aristotle. According to Oparin,<sup>11</sup> Epicurus taught that "under the influence of the moist heat of the sun and rain, worms and innumerable animals arose from the earth and manure". It is however Aristotle, according to Oparin who laid the foundation of the theory of spontaneous generation of living things. To Aristotle, "living things do arise and always have arisen from lifeless matter".<sup>12</sup> First, as stated earlier, Aristotle taught that living things, as well as other concrete things are produced by the union of some passive principle - 'matter' with an active principle - 'soul'. To him, matter by itself is devoid of life; it is the soul's inner essence that endows matter with life and keeps it alive.

Aristotle suggested the possibility of spontaneous generation of great variety of living organisms. He said that it could be observed that plants and a number of animals originated from the earth. Ordinary worms, larvae of the bee or wasp, ticks, fireflies and many other insects, he said, develop from morning dew, or from decaying slime and manure, from dry wood, sweat and meat, while tapeworms are born in the rotting portions of the body and excreta.<sup>13</sup> Even highly organised living creatures may, according to Aristotle originate spontaneously. Crabs and various molluscs, to him come from the moist soil and decaying slime and that eels and many kinds of fish come from the wet ooze, sand, slime and rotting sea weeds.

Science claims to have given a complete explanation of every occurrence and thing in the universe. According to Hogg (a scientist), most of the universe

always was and still is a space and that this space is not empty nothingness; that it is completely filled, and that the stuff with which it is filled is the basic material out of which the earth and life originated.<sup>14</sup> She says that when the first material was as yet newly formed, important changes took place, e.g. widely-scattered ripples in the great sea of gas slowly developed into tremendous 'swirling eddies'. This led to the formation of galaxies. She says that gradually through million of years, these eddies condensed into gigantic clouds of denser gas.

Space in the developing universe became strewn with these clouds, scattered throughout it at immense distances from each other. And that slowly as time went by, each cloud condensed still more until the gas of which it was made was 100,000 times denser than the background material out of which it had been formed. Each cloud became a gigantic spinning disc of spiral sphere of gas, a galaxy. Thence, space became and still is strewn with such galaxies.<sup>15</sup>

The birth of the Sun (Star), she says, like the birth of a galaxy, begun from the irregularity in the gas. As the irregularities became more marked, the gas came to form immense clouds. Each cloud continued to condense and shrink until it became a spinning sphere of dense gas-star. How was the earth formed? According to this theory, the young sun during its very early history was surrounded by a diffuse cloud of material, a mixture of dust and gas. How the sun acquired this dust is uncertain. As the cloud rotated around the sun the dust particles within it concentrated into a flattened disc spinning around the central sun. Soon collisions begun to take place between the particles.

This reduced their velocities and they began to aggregate together, forming solid bodies up to 100 miles in diameter. And some aggregates must have collided and been shattered in the fragments while others continued to grow.

Those which escaped destruction eventually became the earth and the other planets, that is, solid spheres of variable diameters travelling in wide orbits round the central sun. According to Hogg, the earth even today is still bombarded by dust particles, but these are now stopped by the upper layers of the atmosphere; only occasionally do large particles, meteorites, crash through and land upon its surface. The formation of the earth, according to this theory took place 2000 million years ago.<sup>16</sup>

How did life begin? According to this theory, life began by a process of slow development from non-living chemical systems. Chemically, McAlester<sup>17</sup> says, all living organisms are but endlessly varied permutations of six principal constituents namely; water, carbohydrates, fats, adenosine phosphates, proteins and nucleic acids. And according to Hogg, the primitive atmosphere of the earth was probably rich in Hydrogen (H), Ammonia (NH<sub>3</sub>), and Methane (CH<sub>4</sub>). Oxygen and carbon dioxide were absent or scarce. Under the influence of ultra violet solar radiation, simple organic compounds accumulated. Aggregation of these organic molecules led to the formation of macro-molecules. These macro-molecules according to this theory were regarded as living when they first showed the basic characteristics of life, the capacity of self replication.<sup>18</sup>

The macro-molecules of at least two or three different kinds, nucleic acids and polysaccharides collected together and became permanently

associated, and were then held together as a unit by a limiting membrane which separated them clearly from the surrounding water and gave them existence as a unit, a cell. This cell was the progenitor of all life today, the precursor or remote ancestors of man.

According to McAlester, the early organisms developed the ability to synthesise complex molecules from simpler compounds and ultimately the first green plants arose. Plants require only carbon dioxide as a raw material and sunlight as a source of energy. These plants produced oxygen as a waste product. With the eventual accumulation of excess plant-produced oxygen in the atmosphere, animal life, utilizing plants as raw materials and oxygen as an energy source, became possible.<sup>19</sup>

As a summary, in science, life proper started when macro-molecules of at least two or three different kinds collected together to form what has come to be known as the cell. And this cell, as already observed has its roots in the inorganic.

27

This scientific theory of the origin of the earth and life is plausible in the sense that it somehow gives what can be called a factual account of the earth and life. It however has some faults. Chardin, for example is not convinced by this theory. He accuses scientists of shying away from the question of the cell. He says;

*A lot has been meticulously observed concerning its (cell) texture, the functions of its 'cytoplas' and nucleus, the way it divides, and its connections with heredity. Yet, in itself, it is a closed book, still as enigmatic as ever.*<sup>20</sup>

He says that the cell has been viewed as the micro organism, or an example of proto-life, that must be interpreted in relation to its highest forms

and associations. In all fairness, science has somehow attempted to give a good account of the origin of the cell. May be by the time he wrote his book (it was published in 1959) a lot hadn't been known. The work of Margaret Hogg (Her book was published in 1962) and Lee McAlester (His book was published in 1968), for example, not only trace the cell to the inorganic, but also goes further to show how the planets, including the earth were formed.

The problem with this theory however is that it starts from an assumed premise - that the universe was always there and that it was mostly space, the space which was not "empty nothingness". And that it had stuff. This may not satisfactorily quench ones curiosity. The question of how the universe that was mostly space came into being remains unanswered and unsolved. Did the universe cause its own existence? Or there was a force which led to its formation. If there was such a force, what is it, and where did it come from? And did it (force) cause its own existence? Could it be what most religions call God?

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The other assumption is that the universe had some stuff and that it is from this stuff that life originated. The assumption is deliberate for without it, the theory crumbles. It is from this stuff that the earth and life originated. The question to be asked is of course where this stuff came from. Did it cause its own existence. Or was it placed in the universe by the force earlier talked about?

The other fault with this theory is that there is much reliance on chance. Take for example the following quotation from Chardin on how the earth was formed.

*"Some thousands of millions of years ago, not, it would appear, by a regular process of Astral revolution, but as a result of some unbelievable accident (a brush with another star? an internal upheaval?), a fragment of matter composed of particularly stable atoms was detached from the surface of the sun without breaking the bonds attaching it to the rest ... containing within its globe and orbit the future of man, another heavenly body - a planet this time had been born".<sup>21</sup>*

The exponents of this theory fall short of finding an explanation as to what caused the detachment of the fragment of matter from the sun. It is unconvincing to just attribute it to 'some unbelievable accident - chance'. Further still, it is not clear for example, how the galaxies and the sun (stars) were formed as a result of irregularities in the universe. What caused these irregularities and how they occurred in the universe is unexplained; or should it also be attributed to the 'unbelievable accidents' that Chardin talks about?

This is as much as the universe, the galaxies, and the planets, and how they were formed is concerned. But the theory's elaborate explanation of how life evolved from the inorganic is vivid, and hence may be convincing. It is undoubtedly the best attempt of arriving at the cradle of life.

As earlier stated, practically all religions in the world have advanced, not a theory but a 'story' or a 'myth' as to how the world, life and man came into being. Taking African religions as an example one finds that almost all of them, as J.S. Mbiti, points out, hold that the universe and what is in it was created by God. Mbiti observes;

*Over the whole of Africa creation is the most widely acknowledged work of God. This concept is expressed through saying that God created all things, through giving Him the name of creator (or moulder, or maker) and through addressing Him in Prayer and invocations as the creator.<sup>22</sup>*

The belief that the universe was created by God and that it is he who

provides and sustains it presupposes the existence of God. God to the African is the absolute reality. He is the origin of all things. He is the sole and whole explanation of the universe. God is Himself beyond and independent of the categories of time, space and cause. He caused his own existence. He is eternal. He has no beginning and no ending. He is not subject to change. 'He has no father, mother or companion of any kind'.

Because of the belief in the existence of God, each African society has a myth or myths explaining how God created the world and life. Among the Kikuyu, as illustrated by Kenyatta<sup>23</sup> everything was created by God - *Ngai*. The first man (Gikuyu) was created by God. God then created Mumbi and gave her to Gikuyu as the latter's wife. God is here seen as the giver or the originator of life.

These myths of origin differ in the exact methods of creating man. As Mbiti points out, there are people (for example Shilluk, Bambuti pygmies) who hold that God used clay to make man, the way a potter does with pots.

*... The Shilluk believe that God used clay of different colours in making men, which explains the difference in human skin pigmentation. He gave man legs with which to walk and run, hands with which to plant grain, a mouth with which to eat afterwards. He gave man a tongue with which to sing and talk, and finally ears so that he may enjoy the sound of music, dance and talk of great men...*<sup>24</sup>

There are myths according to Mbiti, in some societies (Akamba, Basuto, Herero, Shona and Nuer) which tell that God brought man out of a hole or marsh in the ground, or from a tree. The Akamba he says have a rock at Nzau which has a hole supposed to be the one through which God brought out the first man and wife. And among the peoples along the upper Nile Valley, the general idea, Mbiti says, is that God created man elsewhere and then lowered

him into this world, or for various reasons man descended and settled here (on earth). These myths, Mbiti says are so many; over 2,000.

In the African conception of the origin of things, life included, God is the giver and the originator. This is almost the same view that is held in Christianity (or by Christians). Christians believe in the existence of God - Jehovah. It is this God who created the universe and practically everything that is in it, including life. In the book of Genesis (1-2) it is stated that 'in the beginning God created the heavens and the earth'. He went ahead creating everything in the universe including water, lights and animals by word of mouth. This took him six days and that He rested on the seventh day.

How life was created according to Christians is in genesis 1:20-21. It says;

*And God said, "Let the waters bring forth swarm of living creatures, and let birds fly above the earth across the firmament of the heavens". So God created the great sea monsters and every creature that moves, with which waters swarm, according to their lands, and every winged bird according to its kind. And God saw that it was good.* //

And in The Revelation to John (1:8), God declares that "I am the Alpha and the Omega", and that He is, He was and He will be. God is the beginning and the ending. God in christianity is seen as the supreme spirit who alone exists by Himself. He is also the infinitely perfect being, self existent. He is seen as the first and only cause of all that exists. The world would hardly be created by a part, or even the whole of itself. It also implies that if God did not exist, the world would not be existing. The world is therefore fundamentally in accordance with God's purpose, that there is nothing which exists save by His design and permission.

The creation story, as stated in the Bible gives the view, as Karl Britton points out, that "God has a beneficent plan for the world as a whole which can be carried out only if each person finds and completes that part of the plan which God has assigned to him".<sup>25</sup> To the Christians therefore, the world exists as an expression of God's glory.

The religious view traces every existing thing to God. The question that one may ask is whether God, the supernatural being exists. This is a question that has stimulated a lot of discussions in philosophical circles. Where as we have no intention of indulging in these discussions, it would be important to highlight some of the reasons that have been advanced supporting the existence of God.

Rene Descartes (1596-1650) advanced what he saw as the rationalistic proof of the existence of God. He constructed this proof from his theory of ideas. Descartes looked at ideas and found that he could identify three main features of ideas - where they come from, what kind of reality they have and what they refer to.<sup>26</sup> He first identified three kinds of ideas namely; those which are born with everyone (innate), those which appear to be invented by human imagination (factitious), and those ideas that appear to come from outside, that is, ideas which nature seems to suggest to us, and which come despite our will (adventitious).

Descartes said that ideas of something, of objects, represent or refer to objects. This feature of ideas he called their objective reality. The objective reality of ideas consist in their referring to objects, their being about objects - "as the idea of God refers to God, the idea of an oak refers to an oak tree, the

idea of my army refers to an army".<sup>27</sup> All these ideas, he says, could possibly be factitious, my inventions, made up or caused by me, except for the idea of God. He concludes that "we have a clear and distinct idea of God. But all ideas are the effects of causes. Then there must be some cause of our idea of God. God exists as the only possible cause of my idea of Him".<sup>28</sup>

Descartes gave a second proof of God's existence. He started from his own existence. The question he asked is what the possible causes of his existence were. The possibilities he said were "myself, my parents or some other source less perfect than God? or God;" He said that I can not have caused myself to exist because if I were the author of my own being and independent of everything else, nothing would be lacking to me, I would doubt nothing and would desire nothing. I would have given myself all perfection. Therefore I cannot be the cause of myself"<sup>29</sup>. Similarly he dismissed the possibility of having been brought into being by his parents or any other cause less perfect than God. He said;

*My parents have caused me to exist, but one must then ask who caused them to exist, and then one falls into an infinite series of causes, going back further over the generations.*<sup>30</sup>

The remaining possibility to him is God. God, to him, exists as the only possible cause of "my existence as a thinking being".

Apart from these attempts by Descartes to prove the existence of God (they have of course been disputed), there are other 'proofs'. For example there is the cosmological argument which claims that since everything in the world has a cause, there must be a first cause of all these. The first cause, that was not caused, is taken to be God. There is also the argument of design.

This argument claims that the harmony and orderliness, and the beauty of the physical nature, by which humanity is provided with, that is, suitable temperature, light, air, food, water and aesthetic delight could not have been accidental. That this must have been planned or designed for the well-being of humans by an intelligent being. That 'being' is taken to be God. It must be noted that all these arguments have met a lot of criticisms, especially from non believers in God. Most philosophers who identify themselves as atheists have been vocal in dismissing these arguments. Most, if not all Marxists (they are also materialists) do not believe in the existence of God; to them there is no reason to believe in Him. They argue that if at all there is a God, then that God is the men that we see in the world.<sup>31</sup> There is generally no consensus on the issue of the existence of God.

Stevenson Leslie<sup>32</sup> says that God's existence can neither be proved nor disproved by reason *per se*. The belief in Him (God) he says is a matter of faith rather than argument. For our case, whether God exists or not is ~~not~~ our immediate concern. Our concern is whether it is rational to say that God created the universe and everything in it including life and that it is wrong to destroy what God created.

Is the creation story convincing enough? One may say that it is unfactual and above all uncoordinated. Why should one say that the creation story is unconvincing, unfactual and uncoordinated? By unco-ordination here we mean that myths of creation talk of creation but in very different ways. We find that there are so many of these myths, each with its own story.

Why are these myths not similar? One may say they are not similar

because they are man's creation. They are a product of man's power to imagine. And because men imagine differently, these myths are different. These imaginations are then taken to be 'total truth', truth to be believed by faith not by reason (verification). These myths are many and even if we were to grant that there was creation, which one can we adopt - the Christian one, the kikuyu one or the Shilluk one?

These myths are not factual and therefore not convincing, one may say because they are too simplistic and more so too assuming. This then raises and leaves many questions unanswered. For example, it is too plain and hence unconvincing to just say that God said "let there be life and there was life". Had he created life long before allowing it to thrive in the universe? For when and how did life become life? The creation story does not make it clear how objects acquired life, as is the case with the evolution theory. Whether life and objects were created separately and then the two fused is not certain. In the Bible as quoted earlier, God simply said 'let the waters bring forth swarms of living creatures'.

Given the two theories, scientific (Evolution) and religious (creation), one may be tempted to say that the former is more convincing than the latter due to the reasons given above. However, before making a firm stand one ought to consider man first. The next part therefore dwells on the views on man and his life.

### 3.2 WORLD PICTURES OF MAN

There are two world pictures of man, namely scientific and religious,

that are very pertinent to this study. It is from these two pictures that arguments in the euthanasia debate are partly advanced. This however does not mean that there are no philosophical pictures of human life. Marxism, for example has built a satisfying theory of human life.

Marxists, (they are mainly atheists and materialists) take the real nature of man to be the totality of social relations. Man's moral ideas and attitudes, they believe, are determined by the kind of society one lives in. They hold that 'everything about the individual person (including his consciousness) is determined by the material conditions of his life'.<sup>33</sup> To them, men are not what they should be, not because of sin, but because they are alienated from the objects and social relations that they create. They hold that it is because of this alienation that man believes in illusory ideas, for example religion. Salvation for man, they contend, is not seeking God, but it lies in man becoming himself in a perfect society, no longer alienated by economic conditions, but freely active in co-operation with each other. Men have to create such a society, if need be by revolution.

As aforesaid, arguments for and against euthanasia are drawn from scientific and religious world pictures of man. Because of this, we shall deal with these two at length. The scientific and religious pictures of man are an offshoot of the two theories of the origin of life, as given in the preceding part. These pictures attempt to define and give shape to man and his life. This is achieved by tracing his origin. From these two pictures, it can be understood why some thinkers oppose, while others support euthanasia. And also, from them, it can be deciphered whether human life has a purpose, meaning and

value intrinsically, or whether there are extrinsic attributes (activities) that give purpose and value to it.

### 3.2.1 The scientific world picture

The scientific world picture of man takes him as having evolved from the inorganic materials. In science as already explained, the theory is that life originated from the inorganic materials. This is when elements of life - self reproduction was noticed. Inorganic materials evolved into macro-molecules. These macro-molecules led to the emergence of primitive organisms. The primitive organisms developed abilities, for example to synthesise complex molecules from simple compounds, and this led to the first green plants. These plants used carbon dioxide as raw materials and sunlight as a source of energy and produced oxygen as a waste product. The oxygen that the plants produced made animal life possible, for they could utilize it as a source of energy and could also utilize plants as raw materials. So animal-like substances emerged. These substances are considered the early ancestors of all types of animals in the world , including man.

Evolution went on, and it is until some 10,000 years ago that a true man - *Homo sapiens* (rational man) came into being.<sup>34</sup> Before this, there had been man-like creatures, for example Australopithecines, primates that were erect like man. According to McAlester, man's most characteristic feature that differentiates him from these earlier primates is his extraordinarily large brain and high intelligence.

The scientific world picture sees man as having external and internal features and attributes, some of which he shares with other animals. The

external features, which can also be called the specificity of the human body include walking upright, being bipedal, being hairless, and having hands with opposable thumbs. The internal features are a specific chromosomal patterns, intraspecific fertility and inter-specific sterility, and large brain. Man also has psychological endowments, some of which he shares with other animals, for example instinct, habits, emotions, sensitivity and appetites. The psychological endowment that makes man unique is rationality - reason. Man is rational, free and therefore autonomous. This rationality modifies the animal traits in him, and that is why he is held responsible for his actions. This rationality makes man a moral agent, an agent that is punished when he does wrong actions.

From the above explanation it can be inferred that man shares certain features with plants and animals. There is a relationship between man and them. Man and plants are for example living material substances. And for man and animals, apart from both being living material substances, they are also sentient (able to have feelings). The property that identifies man as man and exalts him higher than other living things is rationality. Scientists therefore look upon man as a complex and highly developed product of the evolutionary process.

In science (embryology), it is established that human life begins when a woman conceives, that is when a woman's ovum is fertilised by a man's sperm. The two (ovum and sperm) are in themselves living. Consequently, a foetus can be seen as a "human being". Human life ends when one dies. Death is a natural process that every living thing goes through. Man is not an exception. He is mortal. Hence, death marks the end of one's existence as a

living thing. When one dies, like other living things, he decomposes completely.

What is the purpose of human life in this world picture? Baer Kurt in his article 'The meaning of human life'<sup>35</sup> identifies two senses of purpose that are worth mentioning here. The first sense to him is when purpose is attributed only to persons or their behaviour or activities. This is as in "did Jane have a purpose in leaving the door open"? The other sense he says, is when purpose is attributed to a thing itself, for example, "what is the purpose of a watch"? These senses are not totally different. They, according to Kurt, are intimately related.

Taking Kurt's classification as a guide, we find that the scientific world picture sees human life as having purpose only in the first sense, that is, where purpose is attributed only to the activities in life but not to life itself. In this world picture therefore, purpose is attributed to the activities or generally what man does. In day to day life man does so many things for example digging, teaching, clearing bushes, fishing and so on. In doing these things man has reasons or purposes. Apart from man having these purposes, the activities themselves have purposes too. It would therefore be useless to indulge in activities that are devoid of purpose. The purpose a person may have in doing something may not be identical to the purpose of that thing. Man's life acquires purpose when his life is full of these activities.

To this world picture therefore, we can only have purposes in life but life *per se* does not have a purpose. This picture sees man as a being with no purpose allotted to him by anyone, but by himself. It is what man engages in that gives purpose to life. This world picture therefore robs off man of any

goal, purpose or destiny appointed for him by any outside agency. What science itself has done is to go ahead and furnish man with enormous tools, for example machines, that make the achievement of his purpose easier.

Human life itself, as aforesaid, has no purpose. The fact that it has no purpose in itself does not mean that it is useless. The activities that man engages in give purpose to it. This means that human life has value and purpose in so far as one has tasks, goals and aims which he is pursuing. It is therefore people's careers, professions and other pursuits that make life meaningful. A life that lacks these activities or which lacks the potentiality of realising these activities is worthless and therefore meaningless.

To the scientific world picture therefore mere existence has no value and hence quality but not quantity is the criteria for continued living. The highest good in man is personal integrity and human well being. It is from this argument that some thinkers have justified euthanasia when for example a person is in permanent comatose or in a "vegetable state". This is because, the life of such a person is valueless and meaningless as there are no activities to give meaning and value to it.

What this world picture implies is that if for example one gets involved in an accident, loses self-consciousness and remains in a "vegetable state" or a coma meaning that he is unable to apply his mental capacities and he is unable to do practically anything, then it would not be wrong to terminate his life. This is because such a person is merely existing, his life lacking qualities that can make it meaningful. There is a danger of this being interpreted to mean that lives that are deemed meaningless are to be exterminated. This is

taking the argument to the extreme. This extreme position can inevitably lead to incidents like those of Hitler's Germany (Nazi incarcerations). However, 'meaninglessness' of life does not necessarily qualify it to be exterminated. We never eliminate many non-human lives that we may deem meaningless, for example snails, ants and many others. The extermination of human life, meaningless or otherwise is done as a result of a principle which at that time is preferable to the principle of preserving it (life).

This means that even if the life of a patient in a "vegetable state" is meaningless, it cannot just be terminated. It is the existing circumstances (for example the cost of maintaining the patient, or the adverse psychological effects of the patient's continued living to the others) that may call upon the termination. Such that one may argue, it would not be wrong to withdraw treatment from such a life, if that withdrawal means saving the family from becoming bankrupt.

According to the scientific approach to human life, it becomes clear that there are two types of lives - those with activities and those without activities. And one may argue that because of this, there are two types of human beings. Peter Singer in Practical Ethics makes this division vivid although along philosophical lines. He does this by first identifying the two meanings of the word 'human being'. To him, 'human beings' can first be taken to refer to "member of the species homo sapiens". Taken from this context, from the first moments of existence, a foetus conceived by human parents is a human being and the same is true of most grossly and inseparably retarded 'human vegetable'.<sup>36</sup> And so the foetus, the grossly retarded 'human vegetable' and

even the new born infant are all members of the species homo sapiens although none is self-aware, has a sense of the past and future, or has the capacity to communicate. In being members of the species homo sapiens, it does not matter whether one's life has activities or does not have them. What matters is whether one exists as a member of that species. And hence, respect accorded to one life should also be accorded to the other.

The second meaning of "Human Being" according to Peter Singer is when "human being" is used to mean 'beings' with certain capabilities. These capabilities include self-consciousness, self-awareness, self control, a sense of the past and future, communication and curiosity. To Singer these are beings that can genuinely be referred to as 'persons'. To him, 'person' is not equivalent to the first sense of human being. He says that there could be a person who is not a member of our species so long as that being has all or some of the capacities mentioned above, and that there could be members of our species who are not persons (human beings lacking the same said capacities). Singer means that if an animal, for example a chimpanzee is capable of communicating, and say it is self-conscious and exerts self control, it can qualify to be a person. And when a human being say a new born infant, a foetus or a 'human vegetable' is not self-conscious, cannot communicate, does not have a sense of past and of the future, and cannot exert self-control, then such a human being does not qualify to be a person.

The scientific world picture it seems, takes "human being" in the second meaning - as persons. And to it therefore, it is the life of persons that should be respected. The same cannot be said of non-persons. "A human vegetable"

or a foetus for example, is not a person and hence cannot be equated to a self-conscious being. And hence, in saying that it is wrong to take away the life of a person, 'human vegetables' are not included.

Some philosophers seem to take man in a similar way - the second meaning. Man (in philosophy) is defined as a rational being. It is this rationality that fundamentally differentiates him from other animals. This rationality makes man to think and therefore have a sense of the past and future, and exert self-control. Plato saw man as a rational animal and that is why he thought man could lead a virtuous life. When Socrates said that 'a non examined life is not worth living' he meant that man is rational and can examine and control himself; the same cannot be said of animals. And Descartes saw himself (or generally man) as existing as a thinking substance. To John Locke, a person (man) is "A thinking intelligent being that has reason and reflection and can consider itself as itself the same thinking thing, in different times and places"<sup>37</sup>. To Locke, it is clear, rationality and self-consciousness are the core of the concept 'person'. When philosophers therefore, define man as a rational or thinking being, they have in mind man as a 'person' but not just as a 'member of the species homo sapiens' where a foetus and even human vegetables are included. It is unlikely that if they (the philosophers) were to defend the rights of a person for example right to live, they could have included new born infants or 'human vegetables'. Otherwise, Plato and Aristotle couldn't have thought that the state was to enforce the killing of deformed infants.

As Singer points out, it is difficult to defend the assertion that the life of a 'member of the species homo sapiens' has value and meaning. And it

would be difficult to state why it should be wrong to kill such beings and not wrong to kill animals yet they are both only sentient. It is difficult because, a member of the species 'homo sapiens' as explained earlier is not a 'person' and hence lacks rationality and self-consciousness. A 'human vegetable' for example is not self-conscious. He may have had the capacity but for now does not have this capacity. He is therefore reduced to the level of just a sentient being. And a foetus or a new born infant is neither rational nor self conscious. They only have the potentiality of being so. But having the potentiality of acquiring something and having it (the thing itself) are two different things.

The assertion that life of 'a person' has value and meaning and that it is wrong to kill him (a person) can be defended. The defence can be on the ground that a person is a being aware of himself as a distinct entity. He is autonomous and free, and has a sense of the past and the future. 'A person' is therefore a being with desire and aspirations about his future. And as Singer, correctly says, to take the life of 'a person' without his consent, is to thwart his desires for the future, an aspect that can make the act wrong. And to utilitarians, for example, thwarting man's desire may not be acceptable since this would mean thwarting all the happiness the person would have enjoyed in his future. The killing however, can only be permissible to them if it promises a greater balance of good over evil to the greater number of people.

Secondly, the fact that 'a person' has a conception of the future can militate against killing him. 'A person' is always hopeful. The hope makes him happy. It would be wrong to kill such persons because of the effects these actions can have to persons (people with hope in the future). If therefore it

became acceptable to kill 'persons', this can make the existence of those left behind less enjoyable as they will be living under the fear that their lives can be terminated any time. A prohibition on killing persons on the other hand, will increase the happiness of people who would otherwise worry that they might be killed.

The same cannot be said of non persons. Non persons have no desires and have no conception of the future and hence they are not hopeful. Terminating their lives would not be thwarting their desires and future hopes. Moreover, other non persons will not be worried that their lives will be terminated; this is because they are not self-conscious. This means that killing a foetus may not make another foetus worry, and killing a 'human vegetable' cannot make another 'human vegetable' to worry.

Although there is some truth in the assertion that terminating patients who are terminally ill can make 'persons' worry and therefore fearful, according to the above categorization this worry may be uncalled for. This is because if the terminally ill patient is not rational and self-conscious, then he is not 'a person' and hence there would be no reason for 'a person' to worry over the killing of a 'non person'. What should worry him is the possibility of him one day becoming a non person.

To the scientific world picture, it is the lives of 'persons' that have value and purpose. It would be wrong to terminate such a life. And as Peter Singer contends, it is a 'person' who can claim a right to life. This is because it is only persons who can conceive themselves as distinct entities existing over time. He observes;

*... If the right to life is the right to continue existing as a distinct entity, then the desire relevant to possessing a right to life is the desire to continue existing as a distinct entity. But only a being which is capable of conceiving itself as a distinct entity existing over time - that is only a person - could have this desire. Therefore only a person could have a right to life.<sup>38</sup>*

What has been so far said implies that the scientific world picture may not be against terminating the life of a patient who is in say a permanent coma – or in a ‘vegetable state’. This is because such a being is not self-conscious but only conscious like other animals. Such a patient lacks the necessary activities that can give meaning to his life. And because he is not able to conceive himself as a distinct entity existing over time, he cannot claim a right to life.

### **3.2.2            The religious world picture**

The religious (in this case christian) world picture of man rests upon the belief that it is God who created man and that it is He who gave him (man) life. The time of this creation has been calculated. Archbishop James Ussner of Amagh, Ireland in 1650 placed the year of creation at 4004 B.C. and as Howell, F.C.<sup>39</sup> observes ‘another clergy man came up with the exact day and hour of creation’, that it was at 9 a.m. on the 23<sup>rd</sup> of October 4004 B.C.

The christian world picture sees man as a creature, kind of a divine artifact made by God. The christian doctrine takes man primarily in relation to God. To christians man was made in the image of God to have dominion over the rest of creation.

This makes man unique and superior to other living things. God created man to occupy a special position in the universe. This can explain why christians think that the life of man is sacred but not that of other animals.

How man was created also makes man's life special. In Genesis 2:7 the following is how God created man;

*The Lord God formed man of dust from the ground, and breathed into his nostrils the breath of life; and man became a living being.*

This verse portrays man as being special and unique. This is because in creating other creatures, God used a word of mouth but for man He particularly created him by even breathing in him life. Man is therefore distinct from the rest of creation, but he is at the same time continuously with it as a result of having been created from dust.

From the above explanation, it becomes clear that in christianity, it is not rationality that fundamentally differentiates man from other living things (as is the case in science and philosophy) but the position God made man to occupy in the world.

He was specially created to have command over the other creatures. This does not mean that christianity disregards man's power to reason. It does recognize this fact and in fact that is why God (in the Old Testament) punished those who did wrong acts. This means that man, unlike other animals is capable of choosing between good and bad (evil). However, it is not this rationality that makes him unique, Special or superior to other creatures. Man acquired rationality by sinning - by eating the fruit from the tree of life, contrary to God's command. Seemingly God had not intended man to be rational hence the prohibition. In Genesis 3:7, it is stated clearly that when man ate this fruit from the tree of life is when he became self-conscious and is when he realised that he was naked. From thence, it is stated, man started to know good and evil. The christians however take this intelligence to be weak and finite and

hence cannot make man fully understand actions of God.

In christianity, life does not begin when a woman conceives. Life is something that comes from God and long before it manifests in the womb as an embryo or a foetus, it is existing. Man and woman are only a medium through which human life is brought in this world. Life exists (may be in Gods's mind) long before a woman conceives. A few examples should suffice here. In the Bible, there are numerous instances when people, unable to have a child, pleaded with God to give them one. Abraham pleaded with Him in order to get Isaac and Zachariah did the same and got John the Baptist. This shows that life comes from God and that one's life exists even before a woman conceives. And hence, it is even possible for a woman to conceive without her ovum being fertilized by a male sperm. Jesus Christ was conceived without male sperm. He was planted in Mary's womb by God.

Whereas the scientific world picture sees death as marking the end of man's life and his existence, in christianity life does not end at death. Human life is eternal such that when one dies he goes to Heaven or hell where he experiences happiness or pain eternally. This means that death is only a 'comma' in one's life; it only changes the nature of its existence and where it does exist. To christians therefore "human life on earth is only a short interlude, a temporary incarceration of the soul in the prison of the body".<sup>40</sup> And therefore one should not worry when confronted with suffering. This is because the suffering is only temporal. It is the life that God has bestowed upon us that has eternal destiny.

The christian world picture does not see two senses in the words

'Human Being'. To it there is no difference between human being as 'a member of the species homo sapiens' and human being as 'a person'. To it all these are the same for a human being is a human being. It is the life in a human being that matters but not what comes out of that life. So human life that is self-conscious is qualitatively the same to that which is not. This is because to christianity it is not rationality or self-consciousness that differentiates man from other animals, that is, it is not these capacities that make man unique or special. Rather, it is the act of creation itself that makes man special. And therefore self-consciousness or rationality is secondary to the uniqueness of man and hence cannot be the criteria for worthiness of human life. What this implies is that in christianity there is no difference between the life of 'a human vegetable' or a one day old infant from that of a healthy strong man. The lives of them all are significant.

The same reasoning applies when it comes to considering the purpose of human life. The judgement is not based on self consciousness or being active. It is not these activities that go into making man. Man is man so long as he is just existing (being without the above activities). Once this is happening (one is existing) the life in him is meaningful and hence has value. To christianity therefore no human life, however pointless it may seem, is meaningless. This is because that life is part of God's plan. Every human life therefore, has significance.

The value of human life is derived from man's relationship with God. This is because it is God who gives this life. As Wogaman Philip<sup>41</sup> observes, it is because 'we have our being from God and sustained by him that we can

meaningfully affirm the value of individual human life'. The essence of human life is beyond gradation as individuals are valued infinitely by God. Every human life has value, the value derived from the purpose God had in creating it. There are of course mental, medical or physical differences amongst men but this does not lessen or increase meaning or value of one's life. This implies that in essence, there is no difference between the life of a mad man, an idiot, a moron or a professor. By extension this means that the life of a terminally ill patient is not without worth and value. God has a purpose for it and hence man is not competent enough to judge it by dismissing it as useless. It would be therefore wrong for man to terminate it. Death should not be induced by man; it should come by itself.

It is from the above understanding that thinkers who subscribe to the christian doctrine of man assert that life (Human life) is something sacred, a blessing from God that man should not take away. Because life is given by God, it is God's and hence man has no right over it and should not take it away or request for its termination. This view is strengthened by the sixth commandment that 'Thou shalt not kill'.

The major difference between scientific and christian world picture of man as regards the purpose of human life is to do with who gives meaning to it. In the scientific world picture, it is man who gives purpose to his life. Life is meaningful not only when one is self-conscious, but also when one helps in the realization of some plan or a purpose transcending his concerns (this may be to his family, nation or the world in general). And to christianity, purpose in human life is derived from God. God has purpose for every human life and

hence every man, however humble or plagued by suffering he may be, is significant as a participant in God's purpose. And therefore man should not terminate the life of another just because he thinks that life is useless and therefore meaningless.

### 3.3 OBSERVATIONS

From the two world pictures of man given above, the grounds upon which some thinkers support euthanasia and others oppose it become clear. The question that arises however is whether these world pictures can withstand criticism. It is clear that a thinker who subscribes to the scientific world picture may see nothing wrong with euthanasia on the understanding that human life sometimes becomes worthless and meaningless. And that those who subscribe to the christian doctrine may oppose it on the grounds that there is no time that human life can cease having meaning. This is fine. But is what these world pictures stand for true. 27

The scientific world picture is clear in its elaboration and is bound to have sway on empirically inclined men. Nothing is left unexplained, right from the origin of man's life to its meaning. This world picture has few objections. Two can be noticed. The first one is to do with the division between 'person' and 'non-person'. To this world picture it may not be wrong to kill a non-person. And because a 'human vegetable' is a 'non-person' it may not be wrong to kill it. This argument has no regard for the relationships that may be existing between 'persons' and 'human vegetables'. It can be asserted that terminating the life of a 'human vegetable' just because it is not 'a person' can

have adverse effects to those who have bonds to him.

A 'human vegetable', who may not be a 'person' (according to the definition given), may have once been a person and in the course of that period he must have for example loved, and he must have been loved. Terminating his life can have serious psychological effects to those who love him. And hence, by so doing, this is bound to do more harm than good. It would be wrong, for example, to disregard the feelings of the wife, the children and relatives of a 'human vegetable' when arguing for the termination of his life. This in effect means that the human vegetable in itself may not be 'a person' and hence its life may lack value in the sense of that of a person. This however is only as far as life in itself is concerned, since the connection it may be having to 'persons' can give it meaning and value, a value that can militate against terminating it.

The question that may arise is whether it is possible to find a 'human vegetable' that has no connection to any 'person' and hence making its killing permissible. It is only in theory that it is possible to find a 'human vegetable' that has no connection to any 'person'. In this case the question of hurting a 'person's' feelings in terminating such a life will not arise and hence the argument of hurting feelings as militating against euthanasia will be irrelevant. This is as far as theory is concerned. In practice however it is hardly possible to find a being with no connection to 'persons' at all. It is hardly possible that one can lack a family, relatives and even friends. And even if one lacked all these, there is a possibility of a bond developing between him and some of those attending to him in the hospital who may be hurt if the patient is put to

death. As aforesaid, the feelings of all these cannot be disregarded.

The second objection to this world picture is to do with the purpose of human life. To it, it is man himself who gives purpose to his life and that this can be derived from what one does or pursues. To it, rationality and self-consciousness give worthiness to life and that what this rationality and self-consciousness drive man to do and to pursue is what gives purpose to life. This is true and in fact men tend to value and rate highly those people who are highly skilled, those who seem virtuous, and generally those who seem to have a defined set goal in life. However, it is possible for someone else to give purpose to another's life even if the latter has no goal in life, and is not rational or self-conscious. For example, it is possible for a great scientist to give significance and value to a 'human vegetable's' life, if in that 'vegetable state' the scientist is likely to make certain important experiments aimed at making major discoveries that can help the world in general by increasing happiness. Such a life cannot be dismissed as worthless, valueless and without purpose. The scientist will have given value to it. It becomes important and useful to mankind and hence putting it to death will not be doing any good to the world but simply doing harm since this would be preventing the discoveries.

The above argument points to the fact that it would sometimes be wrong to say that a life that man himself has not, or is unable to give purpose and meaning to (if at all purpose and meaning to life is given by a man himself) is useless and hence should be terminated. What the example shows is that the continued existence of these lives that are "worthless" or without "purpose" and "value" can be useful sometimes. And if, for example, it

becomes a principle to be terminating such ~~lives~~, that use they can offer, however small it can be, can be lost.

Numerous objections can be made to the christian world picture. First and foremost is the crucial questions on God Himself. For example, does God exist? As Stevenson points out, the existence of evil in the world seems to count against the existence of God. He says;

*... For if He (God) is omniscient He must know of the evil, and if he is omnipotent He must be able to remove it, so if He is perfectly benevolent why does he not do so? In particular, why does God not answer the prayers of believers for the relief of the manifold suffering all over the world?*<sup>42</sup>

Some philosophers do believe that the existence of evil does constitute a formidable objection to theistic belief and a powerful argument for atheism. This is the argument for the non-existence of God. To these philosophers, the existence of evil is inconsistent with the existence of a wholly good, omniscient and omnipotent God. They find a contradiction in the fact of evil on the one hand and belief in the omnipotence and omniscience of God on the other.

~~Cornman~~ and Lehrer, for example, fail to understand why there should be the evil of suffering and pain in the world if this good God exists. And to them, the existence of the evil makes it improbable that the world was "created or sustained by anything we can call God" and they observe;

*... consequently, the belief that God does not exist, rather than the belief that he exists, would seem to be justified by the evidence we find in this world (evil).*<sup>43</sup>

The argument is that if God created the world, and or if He sustains, manages or supervises it, and if he is infinitely good, it is difficult to explain the presence of evil things as pain, sin, sorrow, suffering , and all the thwarted

plans and disappointed hopes of man. The conclusion some arrive at is that if God could prevent evil, He is not God (in the sense of being good and benevolent); and if he could but does not, He is not good.

The christian world picture of man is founded on the belief that an omnipotent and omniscient God exists and to it, it is preposterous to doubt the existence of God. If the non-existence of God is to be proved, this christian doctrine of man would totally collapse. This has not been proved and even the argument that God is improbable because of evil has been heavily contested and countered.

Some philosophers, for example Alvin Plantinga<sup>44</sup>, have argued that the existence of evil is not logically inconsistent with God's existence. God's existence, His omniscience, omnipotence and goodness is compatible with the presence of evil in the world. And to others, the existence of evil is a pointer to man's freedom of the will. The argument is that God has allowed evil in the world but at the same time endowed man with the capacity to choose freely between what is good and what is bad for him. Evil is allowed because God gave man free-will. Evil is kind of the price man pays for having a free will. Evil could only have been denied existence if God did not give man real freedoms. And that, God could not have been a good God only if he denied man free will and yet allow evil to exist.

The second problem that can arise with the christian world picture of man is to do with the claim about the nature of the individual. The impression given is that an individual is completely tied to God. And because it is God who created man, it is also He who sustains, manages and supervises him.

Hence, giving and taking away of man's life is God's work. This suggests that whatever goes on around man is pre-determined by none other than this God. This raises a metaphysical problem. Is the individual really free and autonomous? And should he be held responsible for his actions if he is merely a participant in the plan of God's purposes? And if God supervises man, and if He is omnipotent and benevolent, why should He lead man to do wrong actions that make him be punished? And lastly, why should it be believed that God punishes sinners and that there will be the final judgement if it is He who manages man?

The above argument and questions have led some scholars to believe that determinism is incompatible with moral responsibility and that it can lead to fatalism. It has been argued that determinism is compatible with moral responsibility and that moral responsibility presupposes determinism. Hence, it is right and proper to hold a person responsible for an action and hence praise or blame him and possibly reward or punish him if determinism is true.

Using a teleological theory of obligation, determinists maintain that determinism is compatible with moral responsibility. They argue that it is right to hold people responsible, praise them, punish them if and only if doing so makes for the greatest balance of good over evil.<sup>45</sup> According to this view, ascribing responsibility, blaming and punishing may be justified even if determinism is true, for it will not matter that the agent being blamed was not free in the contra-casual sense.

It has also been argued that to say that God manages man, does not necessarily imply that man's life is pre-determined. That determinism does not

entail fatalism, the view that what man does is wholly controlled by something independent of his choices (for example God). Some determinists have therefore argued that man is often free to do as he chooses. That man is free to act and to choose in accordance with his conditions. It is man's beliefs, desires and traits of character that are 'managed' but man is free to choose whether to succumb to them or not.

The christian world picture asserts that life does not end at death. Christianity subscribes to the doctrine of the reincarnation of man but not transmigration of the soul. The problem here is not with the reincarnation itself, for reincarnation testifies to man's general belief in the continuation of his life after death. And moreover there is no scientific, psychological or rational proof to support it. The issue is with the implication of reincarnation. If life on earth is only a short interlude, that when one dies he reincarnates and continues to exist either in hell or heaven, why shouldn't man himself choose to shorten this 'short interlude' on earth. And why shouldn't a suffering man who may be sure of going to heaven not put the 'comma' on his life by killing himself to attain eternal peace? Why should the making of the "comma" in man's life be a preserve of God? Even if it is a gift from God why shouldn't man have rights of disposing it when it becomes burdensome to him? These are questions whose answers may not be forthcoming.

The other problem with the christian world picture is that it down plays the importance of rationality and self-consciousness. These qualities are undoubtedly the ones that greatly differentiate man from other animals. It can even be argued that God has interest (if at all there is such an interest) in man

because he (man) is rational. Because of this rationality, God is able to communicate to man and He can reveal Himself to man through visions or dreams. The ability of man to reason, understand and communicate are important activities in man's life that it would be a folly to down-play them. And when man loses these capacities it would be plausible to say that he has lost some value on his life. This is because it would be absurd to say that life of a "human vegetable" is qualitatively the same as that of a rationally active man.

Objections to any christian doctrine can never pass unanswered. It is unlikely that christianity can fail to respond to the above criticisms. Stevenson identifies two ways in which a closed system finds way of explaining away the standard objections which christianity can apply. First, he says, is not allowing any conceivable evidence to count against the theory, and secondly is disposing off criticism by analyzing the motivations of the critic in terms of the theory itself. Christianity uses these two ways to put off critics, although some christian thinkers may not hold their believes in this manner.

Of not allowing any conceivable evidence to count against the theory, christians would say that God does not always remove evil, or answers our prayers, for what may seem bad to man may ultimately be for his good. Moreover, man's finite intellect, cannot fully understand the purpose God has for whatever is going on in the world, including suffering and evil. And to attack the motivations of the critic, christians can say that those who persist in raising intellectual objections about God are blinded by sin; that it is their own pride and unwillingness to receive the grace of God that prevents them

from seeing the light.

It can be argued that what the christian world picture stands for is in the realm of belief and faith but not in that of empiricism as in science. Its truth can be established, maybe, only by a direct revelation from God. What in effect this means is that it (the christian doctrine) cannot be universal, it can only appeal to Christians. It would therefore be a misnomer to universalise a 'particular' doctrine to a universal problem like killing and by extension euthanasia.

The scientific and religious (Christian) world view of human life is relevant mostly in modern societies. In these societies as evidenced in the debate on euthanasia (in chapter two) sometimes terminating man's life is upheld. What happens in a traditional society is the subject of discussion in the next chapter.

**NOTES**

1. See Hogg E Margaret, A Biology of Man, Volume one, Heinemann Books, London, (1962) p. 13.
2. See *ibid.*
3. See *ibid.*, p. 20
4. Chardin, P.T. De The Phenomenon of Man. Collins St. James' Place, London (1955) p.50.
5. See Byrne, E.F., Human Beings and Being Human. Meredith Corporation, New York (1969) p. 50.
6. *Ibid.*, p. 51.
7. *Ibid.*, p. 52.
8. See Mbiti J.S., African Religions and Philosophy. Heinemann Kenya Ltd., Nairobi (1969) p. 56.
9. *Ibid.*
10. See Oparin A.I., The Origin of Life, (Second Edition) Dover Publications, Inc., New York (1938) p.3.
11. *Ibid.*, p. 4.
12. *Ibid.*, p. 5.
13. See *ibid.*, p. 6.
14. See Hogg E.M., *Op. cit.*, p. 4.
15. See *ibid.* p. 5.
16. See *ibid.*, p. 11.
17. See McAlester A. Lee, The History of Life. Prentice-Hall Inc. Englewood Cliffs, New Jersey (1969) p. 4.
18. See Hogg E.M., *Op. cit.*, p. 22.
19. See McAlester A.L., *Op. cit.*, p. 9.
20. Chardin, P.T.D., *Op. cit.*, pp. 79-80.
21. *Ibid.*, p. 67.
22. Mbiti J.S., *Op. cit.*, p. 39.
23. Kenyatta Jomo, Facing Mount Kenva. Mercury Books, London (1938) p. 233.
24. Mbiti, J.S., *Op. cit.*, p. 93.

25. See Britton Karl, Philosophy and The Meaning of Life, Cambridge University Press, London (1969).
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27. *Ibid.*, p. 104.
28. *Ibid.*, p. 105.
29. *Ibid.*, p. 107.
30. *Ibid.*
31. See Stevenson Leslie, Seven Theories of Human Nature, Clarendon Press, Oxford (1974) p. 47.
32. See *Ibid.*, p. 36.
33. *Ibid.*, 53.
34. See Hogg E.B., *Op. cit.*, p. 76.
35. "The meaning of Human Life" appears as a chapter in Weitz Morris (Ed.) Twentieth-Century Philosophy; The Analytic Traditions, The Free Press, New York (1966).
36. See Singer Peter, Practical Ethics, Cambridge University Press, Cambridge (1979) p. 74.
37. *Ibid.*, p. 76.
38. *Ibid.*, p. 82.
39. Howell F. Clark, Early Man, Time-Life International Nederland NV (1969) pp. 7 & 8.
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41. Wogaman P. J., A Christian Method of Moral Judgements, SCM Press Limited 56 Bloombury Street London (1976) p. 80.
42. Stevenson, L., *Op. cit.*, p. 10.
43. An International Journal of Philosophy in the Analytical Tradition, (Philosophical Studies) Volume 35 D. Reidel Publishing Company Dordrecht; Holland (1979) p. 5.
44. Refer to his (Alvin Plantinga) article "The Probabilistic Argument from Evil" in An International Journal of Philosophy in the Analytic Tradition, *Op. cit.*
45. See Frankena William, Ethics, (Second Edition) Prentice-Hall of India Private Ltd., New Delhi (1989). pp. 34 & 35.

## CHAPTER FOUR

### IDAKHO ETHOS IN RELATION TO KILLING

#### AND EUTHANASIA

##### 4.0 PREAMBLE

This chapter is essentially concerned with the ethos of the indigenous Idakho people in relation to human life and its termination. In this chapter, an attempt is made to extend the discussion on human life and its termination to a traditional setting.

Although the word Euthanasia may be alien and its equivalent word in Kenyan languages absent, a scrutiny at traditional settings of some Kenyan communities reveals a similarity between their practices and euthanasia. One example should suffice. The Luo-Abasuba, as Henry Okello Ayot<sup>1</sup> points out, saw a baby boy who did not receive a normal birth or who was born incapacitated as unwanted and was killed by pointing the spear that had been used by a hero to kill enemies at him. The belief was that if such a spear was pointed at a child, the child could die later of some illness.

Ayot rightly points out that the pointing of the spear at an invalid in this community was mercy killing. It is, or it was mercy killing since the ultimate aim of this practice was to rescue the child from suffering due to deformities.

The same spear was pointed at an illegitimate baby boy. This was done because step-fathers were afraid that the mother could follow the son to her former man for security, especially if she did not have a baby boy in her marriage. It was desirable for the boy to die. This act points to the fact

that death in this community could be induced and that some lives, for example those of illegitimate boys, were seen as undesirable.

#### 4.1 CHOOSING TO DIE AMONG THE IDAKHO

Choosing to die and actively achieving it was not uncommon among the Idakho people. Killing oneself, (unless the victim was insane), however, was a painful thing to do as it entailed willingly leaving behind the beloved ones. The typical causes of killing oneself in this community were:

- i. Shame occasioned by a wrong action, for example incest (for men) and adultery (for women).
- ii. A eunuch could kill himself if reminded of his childlessness by a close relative like a brother, while quarrelling.
- iii. A person suffering from a dangerous disease, for example leprosy could kill himself if that disease made him be discriminated.

There were two principle ways of taking one's life away.

- i. The most common one was hanging, (*Khwisunga*). Although *Khwisunga* means 'hanging', in some cases the term is also used to refer to all forms of terminating one's own life. However the Idakho word for suicide is *Khwiyira* 'to kill oneself'. Hanging was done in three places; first, one could do it in the house (mainly by women), secondly on a tree in the homestead and lastly in the neighbouring bush or forest.
- ii. The second method of taking one's life away was throwing oneself into the river and then drowning.

Killing oneself however was not condoned in this community. It was abhorred and viewed with a lot of horror. This abhorrence was reflected in

the way a person who attempted, but failed to kill himself was and is treated, and also the way a person who killed himself was buried.

A person who unsuccessfully attempted to kill himself (this is still the practice today) is subjected to certain treatments, all showing that the victim ought not to have attempted to kill himself. The first thing is that such a person is given 'strokes'. The 'strokes' are even given to a person who has killed himself. The 'strokes' are symbolic. They show disapproval at the act of killing or attempting to kill oneself. To the dead, the strokes in addition are meant to keep his evil spirit at bay.

A person who attempts but fails to kill himself is given some traditional medicine, *masambu kimuma nende tsishila*. This medicine is meant to cleanse and hence enable the victim to fit again in the society. The victim or his family produces a goat which is slaughtered and used for cleansing. The goat's blood is in particular important for it is believed that it cleanses. What this shows is that killing oneself or attempting to do so makes one 'unclean'. The uncleanliness is obliterated by cleansing.

The person who attempts to kill oneself creates a bad name and image not only to himself but also to his family. And such a person cannot command respect and cannot be relied upon in crucial matters of the community.

There are also certain things to be observed when someone kills himself. These are as follows:

- i. If someone hangs himself in the homestead or in the neighbourhood, the tree on which he hangs is uprooted and burned. There are two reasons for the uprooting of the tree. First is that if the tree is not uprooted, it can keep on reminding people what the deceased did

and hence vexing them, especially family members. Second is that the uprooting of the tree is meant to prevent it (the tree) from being taken by an unsuspecting person who can use it domestically and there by bringing a calamity in his or her home.

- ii. If someone hangs himself in the house, the house is abandoned.
- iii. A person who kills himself is buried at night. The burial takes place at night so that it cannot be witnessed by many people. The burial of a person who has killed himself is not to be witnessed lest those doing so imitate the deceased's act. The burial takes place at night as an expression of disapproval of what the deceased has done. It is a way of denouncing killing oneself.

People present (normally old men and women) that night of the burial lock themselves in the house and remain silent when the deceased is being buried. This type of burial is supposed to discourage people from killing themselves. Because people cherish having a ceremonial burial where so many people attend, they are discouraged by such a burial from killing themselves for fear of receiving an attended burial.

- iv. A person who kills himself is not kept long before being buried. In most cases, the ~~deceased~~ is brought in the homestead when burial arrangements are over so that he/she is buried almost immediately. And there is normally no mourning in the home. The reason for this is that the person has caused his own death and hence does not deserve to be mourned. This is also another way of expressing contempt at the act of killing oneself.
- v. It is *vakhotsa* (maternal uncles) who handle a person who has killed himself. This is unlike what happens to those who die naturally (of

disease). They are handled by their clansmen. The uncles who bury a person who has killed himself leave immediately after burial, when everybody is still locked in the house. These uncles are given a bull which they do not rear. It is slaughtered and of late it can be sold. If it is slaughtered, the meat is roasted or cooked outside the house. If sold, the money obtained from the sale is never taken in the house and even the things bought by that money are not taken in the house. Apart from the bull, the uncles take traditional medicine that sets them free from the spirits of the dead person and enables them to perform their normal duties.

- vi. When someone throws oneself into the river and dies, the expert swimmers, *velemi*, who remove him from the water are given a bull. The bull is sold. These people are not supposed to sleep in their houses the day they remove the deceased from the water. And anything they are given for the work is not supposed to be taken in the house lest they invite a calamity into their houses.

Killing oneself is taken to be abnormal and hence the death is also abnormal. Normal death in this community is dying out of sickness, although this can still be attributed to some other forces like for example magic, witchcraft or sorcery. Apart from suicide, there are other deaths that are considered abnormal and which make the burial take place at night. The example is a kin killing a fellow kin. It is incredulous for a person to kill a kinsman. When one does this, whether accidentally or deliberately, the death is seen as abnormal and hence the burial takes place at night and the culprit punished as will be explained later in the chapter.

The Idakho people consider choosing to die and therefore suicide as

an immoral thing. This is evidenced in the way people who successfully commit suicide are treated and buried and also what those who unsuccessfully attempt suicide are subjected to.

In this community death is seen as an occurrence that ought to come naturally but not artificially (self induced). If it is self induced, it is not natural and hence abnormal. Because of this, if a victim is rescued before dying, he is looked down upon. It would therefore be wrong for a terminally ill patient to contemplate and request for the extermination of his life.

Matters of death transcend individual freedoms and rights in this community. This is because death adversely affects not the victim, but his family and clan. And because of this, it can be argued that if voluntary euthanasia is to be accepted, it may not be the right of the individual to consent, but the family or the clan. The right of choosing to die if there can be such a right in this community, can only be vested in the two institutions - family and clans, but not in an individual.

#### 4.2 ACTIVELY TAKING AWAY SOMEONE'S LIFE AMONG THE IDAKHO

Actively taking away someone's life among the Idakho can be seen in two aspects. First is when a person kills a non-clansman, an enemy or generally an outsider. Second is when a person kills a clansman, a close relative or a family member. It may be asked why the concern should be on active but not on passive killing. This is so because passive killing may be through magic, witchcraft and sorcery, which are difficult although not impossible to prove. However, when one is suspected of using these means to kill someone, there are experiments and punishments that are imposed

on him or her as will be seen later on.

To extinguish a human life, be it that of a relative or an enemy is serious and calls for cleansing. It is believed that without cleansing the ghost or spirit of the person killed comes to seek vengeance on the killer. Hence, whether one kills a clansman or an enemy, accidentally or deliberately, one needs proper cleansing (*Khwitisa* or *Khuseenyinya*). The animals used in cleansing are a goat and a chick.<sup>2</sup> The two are slaughtered and their raw blood mixed with some traditional medicines and then the combination swallowed by the killer as the medicine man utters words like "let him go completely, he should not disturb you".

Taking away someone's life even that of an adversary is a very perilous undertaking since without cleansing one can be harmed by the spirit of the person he killed. Before one is cleansed, he is not supposed to step in his house or shake hands with anyone. Doing so can spell doom to one's home or to the person one greets. This is an indication that killing a person automatically isolates one and makes him unclean. It is the cleansing that obliterates the isolation and uncleanliness.

#### 4.2.1. Killing a clansman.

It is very appalling and indeed saddening for someone to kill a clansman, be it accidentally or deliberately. Someone can kill a clansman accidentally when he, for example, mistakes him for an enemy. Deliberately, one can kill a clansman when, for example in a dispute over land.

Someone who kills a clansman automatically becomes an outcast. He cannot eat food, drink water and walk with the members of his own clan. Hence, consequent upon killing a clansman, one is expelled along with

his family from the clan. He is expected to go and live amongst other clans. The family forfeits most of its possessions including land, to the clan elders who decide what to do with them.

Killing a clansman was and still is a dreaded thing. It is the biggest catastrophe that can befall a family. This is because doing so means forfeiting one's property and above all being uprooted from one's ancestral land. Apart from this, it leads to punishing one's family which may always live with the guilt that one of its members killed a kin.

When one kills a close relative (father or a brother), the punitive measure of expulsion is not extended to the other members of the family. The culprit forfeits everything and is expelled alone (if unmarried), if married he is expelled with his nuclear family. The man may be cursed to wonder in this world without purpose.

The expulsion of a person who kills a clansman serves two purposes. First it serves as a punishment for killing a clansman. The punishment is both retributive and deterrent. It is meant to deter potential offenders. However, this deterrence can only apply to the deliberate killers but not accidental ones. This is because the accidental killers never plan or arrange to kill, and hence potential culprits cannot be deterred. Those who kill clansmen are also expelled because of the belief that they should not eat or even draw water from the same river with ~~their~~ clan members. The act, it is believed, can spell doom to the whole clan and hence a catastrophe can befall it.

#### 4.2.2. Burial of a person killed by a clansman

When a person is killed by a fellow clansman, there is no mourning. Mourning is not allowed to avoid the bereaved family from seeking to

retaliate. This is because if mourning is allowed, anger can rise, making the bereaved members revengeful. And if they revenge, the hostility that can prevail cannot augur well for the peace in the village or the clan in general.

A person killed by a clansman is buried at night. The burial takes place at night because the death is not taken to be ordinary. The burial is not witnessed by many people. In particular, children and people still in birth giving ages are required not to witness the burial. The belief is that witnessing such a burial increases chances of dying in a similar manner.

#### 4.2.3. Killing a non-clansman

A person who kills a non-clansman has to first as required of anybody else who kills another, cleans himself before he can eat and mix with other people. If he kills the person in defence of his clan (for example in war), he becomes a hero and hence the clan's celebrity. He may qualify for *shilembe* ("bull fight") when he dies. *Shilembe* is a big occasion that immediately follows the burial of a hero in a clan.

It involves people driving their bulls that are specially reared for such occasions into the hero's homestead and more so to his grave. The bulls start fighting as the people cheer. The 'bull fight' represents and depicts the achievements (mostly fights) the dead hero made. It is a great honour not only to the dead person, but also to his entire family.

*Shilembe* is however not a preserve of only those who kill non-clansmen in war. It can be staged when any person of high accomplishments dies. For example, when a respected chief, healer or a diviner dies *Shilembe* can be held.

It is a great achievement to kill a non-clansman in war. Killing a non-clansman in war is not viewed with horror. Instead it is celebrated. When

a person kills a non-clansman during peace time, the case is different. Such a killing is not celebrated and hence not encouraged. But the killer is not punished. He is just cleansed.

Why should a person who kills a clansman be punished while one who kills a non-clansman not be, yet they have both destroyed human life. A clansman's life is highly valued compared to that of a non-clansman. A clansman is one's own kin meaning that there is blood relationship. The blood ties give a clansman's life more value than that of a non-clansman. Hence, killing a clansman is destroying one's own blood. Doing so is punishable.

When one kills a non-clansman, his family or even his clan cannot share meals or draw water from the same river with the bereaved family or even clan. Sharing these things, it is believed, can lead to a disaster. Sometimes there is no intermarriage between the two families, sub-clans or clans until after several years. Sometimes the bereaved family or clan seeks vengeance and sometimes war breaks out especially if the killed person is a highly respected person in his clan.

If the two clans have existed mutually for long without conflicts, and depending on how the guilty clan responds, fine may be paid to the bereaved family or clan. The fine is in the form of land and cattle. A compromise on fine can be reached only if the deceased was killed accidentally.

#### **4.2.4. Burial of a person killed by a non-clansman**

The burial of a person who is killed by a non-clansman is done in the morning to show that the person's life has artificially been cut short. Burial is not done at night because being killed by a non-clansman is not abnormal. In the funeral there is mourning and the dead person is handled and buried

by the paternal relatives.

It can be argued that what happens when a person kills a clansman in this community is bound to deter a person from applying euthanasia to the kin even if he (the kin) requests for it. The community is bound to consider it wrong for a person to kill a clansman in the name of rescuing him from pain and suffering. The person doing so, according to the customs can be punished. This is because even in the most delicate cases there is always hope of recovery. The argument that the killed person was as good as dead can only be meretricious to them. It can in fact be asked that if the person is as good as dead why hasten his death. Why not leave the sick person to die naturally? It can further be asked why haste and rush in letting the patient die.

Killing a non-clansman, as observed is not as bad as killing a clansman. Applying euthanasia on a non-clansman may not carry with it much stigma. This is because there is no punishment for someone who kills a non-clansman. It may not be hard for a traditional Idakho doctor to accept applying euthanasia to a non-clansman. In general, however, a person subscribing to the Idakho traditions is bound to hesitate in performing or requesting for euthanasia. This is because the consequences of such an action to himself, his family or the whole clan are adverse.

#### **4.3 DEATH IN IDAKHO COMMUNITY**

Death in Idakho community seems to be a paradox. It seems to be a paradox because it is first seen as bad and sometimes as good. Secondly, it is seen to mark the end and yet the beginning of a life.

Generally, death is seen as a very cruel thing among the Idakho

people. When it strikes people are never happy. The badness of death is revealed in the *tsinzikhulu* (dirges), for example, *Likhutsa livula mwikho* (death has no relative) and *Luvele lwarevanga nishi* (Why didn't death ask first). These dirges consist of short exclamations that also reveal sorrow over the bereavement, and express the feeling of loneliness and helplessness.

The Idakho people conceive death as an event that leads to the physical demise of a person. It leads to a total physical separation of people. It however does not lead to a complete annihilation of a person. This is because when one dies, his existence is transformed from physical to spiritual. Hence, the dead are believed to have come back in a spiritual form demanding certain things to be done, for example naming a child after them or demanding for a party in their remembrance. Also, some dead persons are believed to have become *vinanyenzo* (ghosts), haunting and disturbing people.

Despite the consolation that death does not lead to a complete annihilation of a person, it sends shivers in people. This is because when it strikes all the plans one had goes. When a young unmarried man or a newly married man dies, it is said that *Lumukhalache*, meaning that death has cut life short.

Whenever someone dies, certain things must be observed. First, when a person dies, people in that village and its surrounding ought not engage themselves in heavy duties - digging, planting or building houses. This prohibition is aimed at expressing sorrow at the cruel hand of death and also to give villagers enough time to mourn the dead person. Defying this prohibition would imply that the person doing so is not sorrowful. This can

make the person be suspected of having played a hand in the deceased's death.

Mourning the dead also means going to the bereaved home, spending at least a night there, and assisting where possible. It also includes cooking food and bringing it to the bereaved home. The food is eaten by those who have come from far places. Doing none of these things without a valid cause (for example sickness) can make one or his family be suspected of having played a hand in the death.

People do realise that death is a necessary reality. It was, it is and it will be. It is an evil that will always be present. Death has no limits. It will never lack the strength of carrying away victims. To combat the menacing death, people must reproduce. And therefore, being unable to have children is the worst calamity that can befall a person, especially a man, in this community. It is "especially" a man because in this community children belong to the father.

#### 4.4 CARING FOR THE SICK

When someone falls sick, all attempts are made to save him or her. Medicine is administered and sometimes prayers offered. The sick person, if old enough never succumbs so easily to sickness. He walks around the homestead and do such things as picking dirt in the compound. One lies down if and only if it is inevitable that he has to lie-when he has completely become feeble. And therefore when this happens, people know that the person is really sick. This is when attention is given to him.

Some people become protractedly sick. In the course of the sickness they can, and especially the very old, desire to die. This occurs when the

patient feels he is being discriminated or if the patient feels that he is a very big burden to the children, wife or relatives. Nobody can however carry out the wishes of the patient by hastening his death. If the patient openly expresses the desire to die, he is rebuked and reminded that death has to come naturally.

Sometimes, and rarely so, some sick persons do kill themselves especially if the disease they are suffering from leads to their segregation and also if the disease is too painful. When this happens (killing oneself), the person is subjected to the treatment that is given to those who kill themselves, as shown earlier.

The idea of death coming naturally is commonly upheld in this community to such an extent that, the invalids and seniles, for example, are allowed to live until they die of natural causes. There seems to be no grading of lives in this community in terms of "worth living" and "unworthy living" as far as the state of living is concerned. So long as one is alive, whether in a desperate situation or not, his life has value and worth hence cannot be terminated unless certain principles are being violated.

#### 4.5 KILLINGS THAT ARE CONDONED

The foregoing discussion does not *ipso facto* imply that killing a fellow human being is always wrong and unacceptable in this community. There are certain instances of life termination that are approved or are not condemned. One such instance, as observed earlier is killing enemies in war. Although killing a human being is in itself horrifying, killing one in war, in defence of one's own people is allowed.

Killing children born out of incest is also condoned. Such children are

not tolerated. It is a taboo to have sex with one's relative or kin. When this happens and as a result a baby is born, the baby is not supposed to be seen by the parents as it grows. If this happens, the belief is that it can lead to some complications, like the parents not having another child.

Long ago the child was mainly killed. There were two ways of terminating such a child's life. First, if it was known before delivery that the pregnancy was as a result of incest, immediately the child was born, the umbilical cord was carelessly cut to make the baby bleed to death. Secondly, when it was discovered after delivery that the child was out of incest and/or if the child did not bleed to death, the mother was supposed to ignore the child by for example, not suckling it until it died. When dead the child was buried in the background of the homestead. This was mainly in the mother's homestead.

The practice of killing these children has subsided. As aforesaid, if such a child is to live, this has to be where it will not be seen by the parents. When it became possible to give out such children to other communities to rear and use them in domestic chores like looking after cattle, killing them was kind of derelicted. Nowadays, such children are mainly given out or abandoned in hospitals. But the possibility that some are still being killed can't be ruled out.

Some instances of killing that took place in form of punishment were also condoned. There were some forms of punishment that entailed the termination of life. Some of them are being ignored or phased out. The first was the administration of *shilulu* to a suspected witch and second were curses on *mmurembe* tree, botanically called *Erythrina abyssinica*.

*Shilulu* which in English means 'bitter', was a bitter combination of

herbs and roots. It was believed that if a witch who had bewitched a person took it, he could die. A suspected witch was brought in the gathering of old men (*Luhya*) and asked whether the allegations brought against him were true. If he denied, he was given *shilulu* to take. An elderly person could utter the following words as the suspect took *shilulu* "if it is true that you bewitched so and so, may you die after this". The belief is that if the suspect is guilty and takes *shilulu* he or she dies, sometimes on the spot. Suspects who die after taking *shilulu* are collected and given normal burial although very few villagers attend the funeral.

Swearing at *mmurembe* tree could also lead to the death of somebody. *Mmurembe* is the sacred tree of these people. Notorious thieves, rapists, adulterous and those who abused and beat up people after taking beer were candidates for the swearing. Swearing was aimed at curtailing these people from repeating their dirty deeds. For if one repeated the deed after swearing, the belief is that he dies.

A drunkard who persistently misbehaved after taking beer by for instance beating his wife, children or parents was warned by elders to stop drinking. If he did not heed the advice, he was taken to the *Mmurembe* tree to swear. The man, with a spear in the hand is escorted to the tree by elders who act as witnesses to the swearing. The man swears that he will never drink again, and that if he drinks he should die. After uttering these words he spears the tree and then leaves. If the man later takes beer, the belief is that he dies.

The same thing applies to an adulterous man, incessant thieves and rapists. They are taken to the sacred tree where they swear never to repeat their deeds and spear the tree. If they repeat, the belief is that they die. The

swearing was encouraged to those who claimed to be unable to control themselves. Death as a consequence of repeating the act is thought to be scaring enough.

The swearing is aimed at reforming the offenders. It was a social control mechanism aimed at reforming trouble makers in the community. This is because the swearing is actually cursing oneself to die if one repeated the deed.

The other way in which the Idakho customs permit killing is in the act of testing the legitimacy of the child. The test, it is believed can lead to the death of the child if the child is not legitimate. This is encouraged when a man or his parents are doubtful about the legitimacy of a given child. There are two ways of testing the legitimacy. First is the administration of specially prepared porridge and garment, and secondly is the usage of the granary.

When a woman (a wife or a girl friend) gives birth to a child that the man suspects not to be his, the child is subjected to any of the two tests. In the first case, an elderly woman in the man's family takes millet porridge on her finger and put it in the mouth of the baby and covers that baby with the garments (nowadays it is a towel). When doing this, the woman may utter the following words: "if this is our blood, let him or her live". The belief is that if the child is not legitimate it dies shortly afterwards.

The granary test is carried out especially when the child is not born in the alleged father's home. When the child is brought and the man is doubtful of its legitimacy, an elderly person from the alleged father's family is identified to carry out the test. He or she takes the child to the granary, lifts it and puts it in the entrance, to let it look in. The belief again is that

if the child is not legitimate it dies.

This act of testing the legitimacy of a child is common especially when a woman gets married when pregnant and when an unmarried woman holds a given man responsible for the child. This practice is widely accepted yet its consequences, if the belief is true, can lead to the child's death. If the child does not die or become very weak, the family accepts it and is named after one of the departed members of the family. These tests show one thing, that people do not want different blood in their midst masquerading as theirs.

#### 4.6 OBSERVATIONS

In this community, one can infer that, where as death is feared and therefore terminating someone's life viewed with horror, there are certain killings that are upheld and encouraged. One may therefore argue that the principle upon which killing is condemned is not out of any special value attached to human life. Otherwise, all forms of killing a human being could be abominable.

Why are some killings permitted? They are permitted, one can argue, for the well being of the community in general. The general good of the whole clan or community supersedes any value attached to human life. And hence, if the continued living of a person (for example a child born out of incest) is harmful to the general good of the family or the clan, such a person's life can justifiably be terminated.

This does not however mean that an individual is completely disregarded, that he is just submerged in the community. Each individual is called upon to play his part for the general good of the community. One

should therefore only promote the general good of the community. If one is, for example, a healer, he should use the knowledge he has to promote happiness, that is healing people. If he uses the knowledge to harm people by bewitching them, he becomes superfluous and irrelevant and hence his life becomes undesirable.

The question one may ask is whether the life of a terminally ill patient may be undesirable in this community. It can rightly be argued that terminating the life of a patient who is terminally ill cannot be justified. This is because a terminally ill patient does not pose any threat to the general good of the community to warrant the termination of his or her life. "The general good of the community" goes beyond monetary considerations. It cannot be argued that if a patient's illness is draining the family or the clan and hence making it poor, the patient's life should be terminated. Poverty seems not to be an evil.

In recapitulation the following can be said about the Idakho ethos in relation to killing and euthanasia. First is that a person has no right to choose death. Choosing death and killing oneself is condemned and the dead person is never forgiven. The way he is buried shows the condemnation. Permitting or allowing to die may be done only by the clan in general but not an individual. And killing is allowed only when it is out to prevent harm to the clan.

Secondly, killing someone in this community is an evil that is eradicated only by cleansing. Killing a kin however is more evil than killing a clansman. And hence killing a clansman is punishable but killing a non-clansman is not punishable. This is not because a clansman's life is worth more than that of a non-clansman, but because killing a clansman is doing harm

to one's clan as it is depleting it.

All that has been observed in this chapter is as far as the traditional Idakho culture is concerned. But culture is not static. It is dynamic. This is because with time, some customs become irrelevant. As an example, it has become irrelevant to kill children born out of incest. Instead, they are abandoned in hospitals or given out to foster parents. It is also unlikely that every Idakho person, especially those in urban centres wholly subscribe to these customs. However, most of the customs expounded above have resisted change. This is because, matters of death, that is, killing oneself or another person go beyond individual liberties and rights, they call for collective responsibility of the family and the clan.

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NOTES

1. See Ayot Okello H., Historical texts of the Lake Region of East Africa. Kenya Literature Bureau, Nairobi (1977). p. 7.
2. Chick here does not necessarily refer to the young tiny chicken. It is a translation of the Idakho word *shiminyoli* which ~~refers~~ refers to a young chicken but old enough to be slaughtered and be eaten.

# CHAPTER FIVE

## JUSTIFYING EUTHANASIA

### 5.0 PREAMBLE

In the preceding chapters, an attempt has been made to show that although terminating man's life is generally discouraged, the practice is not uncommon. And in fact, in most countries, some forms of terminating life have been concretised in laws, for example the hanging act. In this chapter an attempt is being made to show the extent to which termination of a patient's life out of mercy (euthanasia) can be justified. And also some key questions that may be asked in connection to the application of euthanasia are considered.

### 5.1 UTILITARIANISM

Utilitarianism or ethical universalism (as it is sometimes known), falls under the consequentialist ethic, the ethic that does not put emphasis on 'rules' or 'principles', but on the consequences as the key determinants of goodness or badness of action. Consequentialists assess an action by starting not with moral rules but with goals. They assess actions by the extent to which they further these goals.

In ethics this is the ethic of teleology. Teleologists are philosophers who contend that the standard of right and wrong cannot be simply the prevailing set of moral rules. To them, the basic or ultimate criterion or standard of what is morally right, wrong or obligatory, is the non-moral value that is brought into being. The final appeal is to the comparative amount of good produced, or rather to the comparative balance of good over evil produced. Hence, an act is right if it, or the rule under which it

falls or operates produces, will probably produce, or is intended to produce a greater balance of good over evil than any available alternative.

Teleologists differ on the question of whose good it is that an action ought to promote. This difference has led to two sub-theories of teleology namely, ethical egoism and utilitarianism. Ethical egoists, among them Epicurus, Hobbes and Nietzsche contend that it is the good of the individual that ought to be promoted. And to the utilitarians, among them Jeremy Bentham, J.S. Mill, G.E. Moore and Hastings Rashdall, it is not the good of the individual that should be promoted, but the general good.

Utilitarianism is described as the theory or doctrine which states that the rightness or wrongness of actions is determined or is dependent on the total goodness and badness of their consequences. To it, what is plausible is that which promotes the general good - that our actions and our rules are to be decided upon by determining which of them produces or may be expected to produce the greatest general balance of good over evil. The sole ultimate standard of right, wrong and obligatory is the principle of utility, which states that the moral end to be sought in all we do is the greatest possible balance of good over evil in the world as a whole.

Utilitarianism need not be mistaken with altruism. In putting forward the theory of utilitarianism, utilitarians only express an attitude of generalised benevolence and appeal to a similar attitude in their audience. The generalised benevolence is self-regarding and other regarding too. When a utilitarian, therefore, advocates for the promotion of the general good, say happiness, he includes himself among those whose happiness should be promoted. This is unlike altruism which is mainly other regarding but not self-regarding. What utilitarianism stands for is that one's interests

cannot simply count more than the interests of anyone else just because they are his interests. But it does not advocate that they be disregarded.

Utilitarianism can justify terminating a patient's life. Before looking in to this, it is better first of all to consider or see how the utilitarians look at human life in general and how they perceive killing a human being.

Life to classical<sup>1</sup> utilitarians is very much valuable because it is by living that people experience, for example, pleasure, desires, hopes and happiness. Utilitarians may not ascribe value to all human lives. This is because all lives can not be valued in terms of utility. Hence, in the classical utilitarian thinking, life has worth only if it has positive utility, and unworthy if it has negative utility.

To these utilitarians, a surplus of pleasure over pain may make life to have positive utility and conversely, a surplus of pain over pleasure may mean that life has negative utility. Therefore, when someone is averagely happy, in the sense that he is experiencing more pleasure than pain, his life may be seen to have worth. But when someone experiences more pain than pleasure, his life may be seen to have little worth.

It may be asked what type of judgement is this that utilitarians make when they assess a human life as being 'worthy' or 'unworthy'. To the utilitarians, all that goes into making such judgement is a calculation of the balance between pleasure and pain in a human life. And as observed, a surplus of pleasure over pain means positive utility to that life and hence worthwhile, and a surplus of pain over pleasure means that life has negative utility and hence not worthwhile.

This is as much as the classical utilitarians, who are mainly hedonists (equating good to pleasure) can say.- Not all utilitarians are hedonists. And

as Luke Gormally<sup>2</sup> says, non hedonist utilitarians take account of more than just experiencing pleasure and pain to make their assessment of the value of a human life and his activity. To G.E. Moore and Hastings Rashdal, for example, a variety of achievements, for instance knowledge, are held to confer value on a human life. Even though this is how they assess human life, a variety of factors are allowed to count in assessing the value of a life. To Gormally, the assessment always presumes to offer 'a total summation of the present worthiness of a life'<sup>3</sup>.

What utilitarians do is get involved in a calculation and balancing of values and non-values present or realizable in a human life. And to this, Gormally rightly points out that the idea that one can carry out such a calculation and balancing assumes that all values are reducible to a common measure, and that one can be traded off against another. And to him, assessing the value of a human life is falsely believing that the value of a human life can be adequately expressed as the outcome of a calculation. He observes that human life is not something that can enter into man's calculation of utility of advantage, as if life is reducible to a common scale of value.

## 5.2 UTILITARIANISM ON KILLING

Utilitarianism may start by saying that the act of killing is bad because it deprives the victim of his future happiness. This objection to killing a human being is applicable to any being likely or capable of having a happy future, irrespective of whether the being is rational or self-conscious, or not. Conversely, this means that killing a being that is unlikely to have a happy future is not bad for this is not depriving that being any

happiness in the future. When they base on 'depriving a being of its future happiness', utilitarians can oppose even abortion if the foetus is likely to develop and have a happy future. This is because doing so would be thwarting and depriving the foetus of its future happiness.

Secondly, utilitarians may contend that killing a human being is not good because it does not only entail inflicting pain on the victim, but also to the victim's relatives and friends. This means that if someone is killed, his relatives and friends may be pained by his death and hence, the killing may be promoting evil but not happiness. If, according to the utilitarian assessment and calculation a killing is bound to promote a greater balance of pain over happiness to the greatest number, then it is bad. And they may dispute, reject or oppose capital punishment on this ground.

Utilitarians being consequentialists would however support killing a human being on the condition that the killing promises to promote the general good. As a result of this, utilitarians have supported capital punishment, if by so killing the general good is promoted. In a nutshell therefore, killing a human being can be acceptable and justifiable only if it promises to promote a greater balance of good over evil in general.

The utilitarian conception of human life and killing of a human being enables one to understand why they can support euthanasia. Utilitarians may start by first stating that it is bad to terminate the life of a patient. This is because the act may be painful to the victim in terms of shuttering the victims future happiness (if the victim is to recover and lead a happy life).

Secondly, euthanasia would be unacceptable to them if by so terminating the patient's life is promoting more evil than good. For example,

if terminating the life of a patient can lead to mass killing of people thought to be a burden or 'useless', for instance, to the state, euthanasia would be wrong. This would not be promoting the general good but evil. In this regard, a utilitarian may argue that the killing of people in Germany thought to be undesirable during Adolf Hitler's reign (it has been alleged that euthanasia can lead to such), was not good. This is because it is unlikely that it was promoting the general good.

'Fear' provides grounds upon which a utilitarian can oppose and/or justify euthanasia. Fear can provide a ground to oppose euthanasia if it can inflict people as a result of terminating the life of a patient. As Peter Singer<sup>4</sup> points out, if someone is self-conscious and rational, he will have a conception of himself as having a future. If he is mortal, as is the case, he will probably know that his future existence could be cut short. If he thinks this is likely to happen at any moment, his present existence will be less enjoyable than if he learns that people like himself are very rarely killed, for he will worry less.

Classical utilitarians, Singer contends, can on this ground of 'fear' defend a prohibition on killing persons, for the prohibition can increase the happiness of people who would otherwise worry that they might be killed<sup>5</sup>. The argument here is that self-conscious beings are capable of fearing their own deaths and that killing them has worse effects on others as it can make them live in fear. Implied in this argument however is that the issue of fear cannot arise when it comes to terminating a life that is not rational and self-conscious. Utilitarians may therefore justify euthanasia if by executing it on a patient who is not rational and self-conscious does not cause fear in the other similar patients.

The justification would be that terminating the life of a patient who is not self-conscious and rational does not cause fear to those people (especially patients) who are not rational and self-conscious. They can't be aware that their lives are put to death. Hence they can't be in a position to live in the fear that their lives will be terminated.

One may however argue that people who are self-conscious and rational can be made to live in fear if they are aware that people who are not self-conscious and rational are put to death. This argument can be countered by arguing that the self-conscious men have no cause to live in fear due to the termination of the lives of patients who are not self-conscious or rational. This is because the two belong to two different categories, the self-conscious and the non self-conscious. If those who are self-conscious have fear, they shouldn't fear the extermination of the life of the non self-conscious patient but rather fear ceasing to be self-conscious and rational.

Utilitarians may also use 'fear' to justify voluntary euthanasia. They may argue that if patients are killed only after requesting or consenting for it, this act will have no tendency of spreading fear or insecurity in people. People will have no cause to fear being killed as this is done after their own consent or request. And hence, if one does not wish to be killed he should simply not consent.

It can in fact be argued that it is the failure to grant people the freedom to choose death when they want it that is causing fear. The argument can be that the failure to grant or allow voluntary euthanasia creates fear in those who would have preferred to die. It is possible that people can fear that their deaths will unnecessarily be drawn out and

distressing.

Utilitarians being consequentialists would also justify any other type of euthanasia (involuntary and non voluntary) if the circumstances show that applying it would promote the general good. The utilitarians would look at the possible consequences of applying and failing to apply it. If failing to terminate a patient's life can lead to consequences that can promote evil, it can be wrong to them. But, if by terminating, the general good is promoted, the termination may be justifiable to them.

Taking Nancy Cruzan and Tony Bland<sup>6</sup> as an example, one may find that their continued living in a "vegetable state" was not in essence promoting the general good but evil (pain). Their continued living perpetually in that state was a vexation not only to their parents and relatives but also to those attending to them and all those that heard or read of their state. As a proof of this, the parents had to go to court to seek an order so that these patients could be put to death.

Utilitarians may therefore not object to terminating the life of a patient whose continued living and sustenance is abhorrent and painful to many people. To them however, terminating the patient's life may not be intrinsically or extrinsically good or bad. Such that although to some people killing a human being may be morally wrong under whatever circumstances, to utilitarians this may turn out to be favourable especially if the consequences promise to promote the general good.

Although utilitarians may justify certain instances of terminating the patient's life, it should not be construed to mean that they may wholly support euthanasia at all times. To them, the consequences ought to be calculated and assessed before supporting it. To them therefore, assessing

and calculating the consequences of a particular case must be done to ascertain whether the termination will promote the general good. This means that there may be certain instances when utilitarians would object to terminating a patient's life.

Usage of money and hospital facilities in keeping the patient alive may provide another reason for the utilitarians to support euthanasia. Still on the example of Nancy Cruzan and Tony Bland, there is no doubt that a lot of money was used to keep them alive. And they permanently used medical facilities meant for all patients. For the years these two patients were kept alive by these machines and a lot of money being used to sustain them, it is possible, one may say, that many people were dying due to the fact that they had no access to those facilities and other adequate medicinal resources and money.

To the utilitarians it may not be bad to use massive wealth to keep a patient alive. This should be encouraged especially if it is promoting the general good. But if it is draining the state or family resources to such an extent that poverty is looming, this cannot be justified. Utilitarians would therefore justify euthanasia if resorting to it would save the state or the family from imminent collapse or suffering after using the money on one or few patients. Similarly, they may not be opposed to using hospital facilities and other resources as long as possible. But this may not be justified if incessant usage of such facilities by one or two patients leads to the death and suffering of many others because they have no access to these facilities. This is not promoting the general good.

Given the utilitarian principle(s) one can conclude, certain instances of terminating a patient's life are plausible and justifiable. But utilitarianism

as an ethical theory, although self-consistent, is not without weaknesses. The major tenet that holds utilitarianism together and upon which euthanasia may be justified raises some problems. This is to do with assessing the consequences. Utilitarianism emphasizes on assessing the consequences of , for example, terminating the life of a patient before executing it. If the assessment indicates that the termination will promote the general good then it may be acceptable, and if it indicates that the consequences will be bad it may not be acceptable.

The question that one may ask is; how does one know (and how sure can he be) that the termination of the patient's life will result in the promotion of the greatest happiness? There seem, one may argue, to be a problem in the way of measuring and balancing 'good' and 'evil'. One may not know with certainty what the various possible consequences of a given killing will be. And it is not clear whether one would perceive and put into account the remote consequences the killing may have.

Utilitarianism despite this criticism can be used, as observed, to justify certain instances of terminating the patient's life. The justification, if accepted, can lead to many question marks. The questions and issues that emerge from the justification are discussed in the next part.

### 5.3 UNRESOLVED ISSUES AND QUESTIONS IN EUTHANASIA

Many issues and questions, some moral, others not, do emerge if euthanasia is to be condoned or even legalised. These issues and questions are as follows:

#### 5.3.1 Who should decide?

One issue that arises from euthanasia is to do with who should

decide that euthanasia be applied. The question is; who should be responsible for recommending euthanasia and how competent can he or she be and why should it be that person? There are three suggestions as to who should recommend euthanasia, namely, the patient, the doctor and lastly the family or generally relatives.

The argument that it is the patient to recommend euthanasia is forcefully presented by those who are in favour of voluntary euthanasia. And the voluntary euthanasia societies alluded to earlier on are in essence an advocacy for the right of man to choose euthanasia. It is argued that it is the patient to decide as it is he/she that ~~feels~~ feels the pain hence the one to know whether this is bearable or not. It is the patient who can know that the suffering is intolerable and hence justifiably clamour for euthanasia.

Those supporting this view may argue that the doctor or the patient's relatives cannot know whether living for the patient is tolerable or intolerable. Their recommendation may only be based on mere observation. A doctor, for example, may recommend euthanasia because the patient<sup>is</sup> is for instance suffering from a painful and yet an incurable disease. The problem and indeed a mistake here would be that the doctor may make the recommendation without knowing that the patient wouldn't mind living in spite of the sufferings and pain.

The same problem would arise if it were the relatives to recommend euthanasia. They may clamour for euthanasia when living is tolerable to the patient. The other possibility is that if it were the responsibility of relatives or doctors to recommend euthanasia candidates, there can be a misuse. The possibility is that unscrupulous individuals may recommend euthanasia not because the patient genuinely deserves to die but because of other

purposes, for example achieving or gaining something from the patient's death.

The misuse, it can be alleged, can be widely taken to include putting to death all those people that the relatives, doctors or even the state may deem undesirable to live. The question is however whether there cannot be abuse if the recommendation is made by the patient. It is possible that some patients may request or volunteer for euthanasia not because of the genuine quest, desire or urge for it, but out of a suicidal impulse and thereby abusing the responsibility of recommending euthanasia.

By a suicidal impulse it is meant, for example, that the patient may request for euthanasia not because he finds the suffering intolerable, but because he is fearing that when cured he will be a pauper or a cripple. It cannot however be easy to ascertain that the patient is requesting euthanasia out of a suicidal impulse.

The major argument however, that may be against giving the patient the right to recommend euthanasia is that he may not be competent to carry it out effectively. It can be argued that a patient is a sick person and hence the sickness can impair his assessment of the situation. It can rightly be alleged that the patient may not be competent enough to rationally choose between living and dying.

And if it is the patient to decide whether to live or die, then not all patients can be in a position to make the decision. Some patients may be unable to decide or request because of, for example, a permanent coma. 'Human vegetables' may also not be in a position to decide because they may not be self-conscious. Giving the responsibility of deciding to the patient may eliminate this category of patients from euthanasia bracket.

And this can be seen as unfair.

If anything, one may argue, it is this category of patients that may best qualify for euthanasia since to most of them, recovering is remote. And they may not be self-conscious, an aspect that may give a justification to asserting that they qualify for euthanasia. If euthanasia is to be an option in treatment, one may rightly argue that it would be wrong to eliminate this category of patients from it just because they cannot consent.

Related to the above argument is the question of whether there should be the age limit for one to have a natural right to decide whether he should live or die. This is because apart from there being patients unable to make the decision of whether to live or die due to sickness, there are some who may be unable to do so because of age. If it is the patient to decide, what can happen to seniles and infants who may not be in a position to decide purely on the ground of age. It is obvious that they would be eliminated from euthanasia bracket.

One may wonder why euthanasia should be allowed only to benefit a few patients just because they can clamour and express the desire to die. One may find it unfair to grant euthanasia to those who express the desire for it (because life is, for example intolerable to them) and fail to find a way of determining whether and how life can be intolerable to those who cannot express it (due to incapacities occasioned by illness and /or age).

Because of the weakness of giving the right to recommend euthanasia to the patient, it has been suggested that the responsibility should be given to a person who is not a patient himself, that is, the doctor or the relatives. Henry Miller<sup>7</sup>, for example asserts that it should be the doctor to decide on medical matters like withholding medicine. To him, it

is the physician who is trained to take such decisions and that it is he who is equipped to weigh its imponderables than any one else. To him, it is the doctor who knows the responsibility, the risks and the discomforts attendant on complex treatment.

The argument that the responsibility of recommending euthanasia should be the doctor's is out of the fact that it is the doctor who can be competent enough to assess the sickness of a patient given that he is a professional in health matters. It is he who can be in a position to know whether the disease is fatal or not, whether the disease is incurable, and how long the patient can possibly live. And if it is the doctor to make the decision it is possible that any patient can qualify for euthanasia. This means that selective application of euthanasia will have been erased and eliminated.

Despite the fact that it is plausible to argue that it should be the doctor to recommend candidates for euthanasia because he is trained in matters of health, doctors are human beings and hence liable to making mistakes. Doctors can for example make mistakes in diagnosis. As Lamerton<sup>9</sup> observes, medical diagnosis is not without mistakes. In some occasions a doctor's diagnosis turns out to be a mistake.

The issue of mistaken diagnosis raises the fear that the doctor can recommend euthanasia from a wrong and mistaken diagnosis. And when this happens, patients who otherwise could have recovered and lead a happy life can be killed.

It has also been suggested that it should be the responsibility of the family or generally relatives to make the recommendation for euthanasia. This is out of the fact that most adverse effects of death (and therefore

euthanasia) befall mainly the family. For example, it is the family that can face the economic hardships when the patient's life is terminated.

It can be argued that giving the responsibility of recommending euthanasia to the family or relatives can have a psychological advantage. This is to do with the family being prepared psychologically to part with one of its own members. And secondly, the family will have prepared itself to do without the patient's financial support (if the patient was a bread winner). And lastly, if the family or relatives are to recommend, then euthanasia can be applied without discrimination. Hence, infants, seniles and the "human vegetables" can be catered for.

There are however some weaknesses if the family members or the relatives are to decide or recommend euthanasia. It may be wrong to assume that family members or relatives always love one another to the extent that it cannot be out of malice that they can recommend euthanasia. It is unlikely that their recommendation can always be out of genuine mercy. This is because some family members may sometimes wish one of them to die not out of mercy but out of malice. And hence, cases of either husbands or wives engineering the deaths of their spouses are not seldom.

What the above points at is that there can be an element of abuse if the family or relatives are to recommend euthanasia. Take, for instance a case where the wife is wishing that the husband dies. If the husband is to suddenly become seriously sick, or contracts an incurable disease, the wife may be guided not by mercy but by the desire of seeing the husband dead in recommending euthanasia. What this amounts to is the argument that it would be difficult to know whether the family is recommending the termination of the patient's life with the motive of mercy or from those

where it is not.

It can also be argued that family members or relatives may not be professionally qualified (medically) to know who should live and who should die. It is possible that in recommending euthanasia the relatives may entirely rely on their charitable impulses other than the actual health condition of the patient. This is because they may not be medically qualified to make a medical assessment of the patient. And even if they were to be medically qualified their professional ethics would bar them from taking an active role in the treatment of the patient.

Family members (relatives) as observed are likely to base their recommendation on mere feelings and emotions. From this, one may argue that it is wrong to terminate the life of a human being by being motivated by such feeble impulses as emotions. And, one may argue, to allow relatives to recommend euthanasia is accepting to satisfy the emotions and feelings of few individuals at the expense of a human life. One may be inclined to say that terminating the life of a patient should not be out to satisfy a small number. Rather, it should be out of a tested and proved medical fact, like that "further treatment is futile and meaningless because the disease is incurable". Or that the death of the patient will promote general happiness.

Although it was earlier observed that if relatives are to recommend euthanasia they will be psychologically prepared, all psychological problems may not be solved. This is because not all family members and relatives can participate in making the recommendation. The possibility is high that the decision may be taken by a few members of the family and practically, children may not be consulted. Those left out from making the decision can

be psychologically affected especially if they are to feel that their relatives unfairly recommended the death of, for example, their father or mother.

The issue of who should recommend euthanasia as can be seen from the preceding discussions cannot easily be resolved. It however looks plausible to give this responsibility to the doctor. Matters of treating patients and terminating their lives (if this is to be normative), are matters of medical profession and that deciding which patient should live and which one should die should be left to the doctor but with some checks.

The checks are to be introduced to reduce the possibility of the doctor making mistaken diagnosis and then relying on it to select euthanasia candidates. One of the checks can be that the recommendation be made by more than one doctor. And that, some time be taken before terminating the patient's life, just in case he or she shows signs of improvement.

### 5.3.2 Liberties and rights

In the debate on euthanasia, issues related to liberties and rights do emerge. This is particularly so when it comes to the individual patient requesting or consenting for euthanasia. The question to be asked is whether an individual has freedom to the extent that he or she can freely terminate his/her life and whether he/she can claim this as a right. This question presupposes that man has rights. On what basis is man taken to have rights?

Man is seen and taken to have rights because he is a being that can conceive itself as a distinct entity existing over time. A right is something that can be claimed justly. Man being a rational and self-conscious being is taken to have rights because he is in a position to claim a right. This argument can be used to deny animals rights, that is, animals have no rights

because they are not able to claim them. It can also be believed that man has rights because of the rights' feature; that their function is to justify certain actions of the rights holder (man). Hence, man can be said to have rights because he is a moral agent. These rights can be used to justify his actions.

Man also has rights simply because of his status as a rational and self-conscious being. And therefore, there are human rights possessed by human beings just because they are human beings. Human rights can hence be described as status rights; they are rights possessed by certain entities (humans) just because they occupy a certain status.

Attempts have been made to define a right in various terms. Rights have hence been defined in terms of duties or obligations, and in terms of needs. Rights, it is alleged are simply duties looked at from another point of view. This is to say that rights are reflected in the duties we have for ourselves and for others. In this sense, if it is someone's duty to preserve himself, it becomes a right to preserve oneself. And if it is one's duty to relieve pain from others, it becomes his right to relieve that pain. And if it is one's duty to look after one's children, it becomes one's right, for example, to feed them. The duties man has for himself and for others can therefore be translated into rights. As a result of this, it can be said that man has the freedom and rights to do so many things pertaining to himself and others.

Secondly, there is a claim that rights are offshoots of both man's primary and secondary needs. Odera Oruka<sup>9</sup>, for example, identifies the following primary needs of man: food, shelter (including clothing), knowledge, action or movement, health and sex (as a biological necessity).

From these primary needs, to him the following freedoms emerge: freedom from hunger, freedom to find shelter, freedom of movement or action, freedom from ill health and sexual freedom.

The secondary needs, Oruka contends are: to express oneself, assemble with others, to have an opinion, religion or unreligion, culture (including education), and sex (as pleasure). From these secondary needs, he identifies the following types of freedom; freedom of expression, freedom of Assembly, freedom of opinion or press, freedom to worship or not to worship God or gods, cultural freedom and lastly sexual freedom.

The above extensive extraction from Oruka, vividly shows how man has or can claim to have rights from the needs he has. The needs of man, one can argue, spell out freedoms and therefore rights he has over his life. For example, man is free to choose any type of food, and he can claim to have a right to eat the food he wants because 'food' is a primary need. It can be argued that man's needs lead to specific rights that man can have over his life.

The question that emerges is whether man has the freedom and therefore the right to terminate or ask for the termination of his life. The second question is whether man can rightly claim that his duty to others entails terminating their lives. Seen in terms of 'duties' and/or 'needs' one may argue that man cannot claim to have a right to terminate or ask for the termination of his life. This is because man's primary duty to himself is preservation and that is why he has a natural right to life. It may be argued that man has only a right of preserving but not destroying himself. And seen in terms of needs, it can be argued that there is no 'need' that spells out the freedom and therefore the right to extinguish oneself. What there

are, are 'needs' that spell out freedom and rights of maintaining and sustaining oneself.

Although given the above argument it can be plausible to say that man has no right to terminate or ask for the termination of his life, there is a sense in which terminating or asking for the termination of life can be justified. This is to do with a feature of a right. As Peter Singer points out, one feature of a right is that one can waive one's rights if one so chooses. He demonstrates how possible this is:

*I may have a right to privacy; but I can, if I wish film every detail of my daily life and invite the neighbours to my home movies. Neighbours sufficiently intrigued to accept my invitation could do so without violating my right to privacy, since the right on this occasion has been waived<sup>10</sup>.*

Seen in the light of "rights of life", it can rightly be said, given the above claim, the doctor may not be violating the right of a patient in terminating his or her life when the patient requests. This is because in making the request, the patient will have waived his right to life. This can lead one into asserting that man has the freedom and the right to waive his own rights, including that of life. And hence, it can rightly be claimed that despite having no right to terminate life, man has a right to waive the right to life by volunteering for euthanasia.

The second question, as already stated is whether the issue of 'rights' can be used to justify non voluntary and involuntary euthanasia. On what ground can terminating the life of for example, a "human vegetable" be justified or not be justified in terms of rights? To answer this question, one has to consider whether a being in such a state can be claimed to have a right to life. As aforesaid, a being that has a right to something is a being that can claim that right.

The right to life is the right to continue existing as a distinct entity and hence, the desire relevant to possessing a right to life is the desire to continue existing as a distinct entity. Is a 'human vegetable' or a patient in a permanent coma capable of conceiving itself as a distinct entity existing over time for it to have this desire and the right to life? A "human vegetable" is not self-conscious and it is unlikely it can have the desire to continue existing as a distinct entity.

Because of the above explanations, one may argue that a "human vegetable" does not have a right to life and that its extermination may not be contravening its right to life. One may therefore justifiably argue that a human being who suffers from death of the cerebral brain and therefore lacks any inner life cannot have a right to life. And Barbara Smoker<sup>11</sup> points out that an irreparably 'vegetable' human body is manifestly a euthanasia candidate.

### 5.3.3 Human life as an end in itself

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In discussing euthanasia, the issue of life as an end in itself does emerge. It is normally argued that human life is an end in itself and that it, for example, transcends utilitarian categories of value. And because of this, it has been argued, by for example Luke Gormally<sup>12</sup> that life in none of its phases is to be intentionally destroyed on the basis of valuation, for example "no further use" or "grossly diminished function".

The argument that life is an end in itself suggests that life has worth regardless the state of the person possessing it. Hence, it should be respected simply because it is a human life. To be human, it is argued, is to share a particular kind of life, the capacities for entering into which we

develop in the course of growth. Hence, the most fundamental value of man's life is given in and with the bodily reality of each of us. And as Gormally points out, this is a value which exists in advance of any particular achievement<sup>13</sup>. Human life, according to this argument simply has value or it is qualitative enough because it is a human life - it is an end in itself.

The above argument leads to the assertion that life cannot be 'useless'. This is because life is not a computational device for it to be 'useful' or 'useless'. What this suggests is that life, be it that of a 'human vegetable' or that of a doctor has value and meaning in itself. This is because the two lives are both ends in themselves. So long as one is living, the life has value in itself. According to this argument, it is erroneous to advocate euthanasia on the ground that there are lives that are "useless" or with a diminished function.

A person subscribing to the above view is apt to view the acceptance of euthanasia on utilitarian grounds as suggesting that some lives are "useless" and "valueless". Hence giving a warrant of its termination. To such a person this would be wrong.

The question that arises is whether life is an end in itself and if so whether terminating it negates its endness. It would be absurd and preposterous to doubt that human life is an end in itself. And in fact the whole question, if one is to demarcate life from the act of living would be uncalled for. This is because life *per se*, that is, life without the body (the living) ought to be an end in itself and cannot be used as a means to achieve any end and it cannot fall in any category of valuation. However, in living, ends are set and achieved.

Accepting euthanasia, it can be argued, does not negate the fact that

life is an end in itself. This is because the focus will not be on 'life' but on the act of living (the state of the body). And therefore, the idea of life being an end in itself has never precluded humans from killing one another. Killing him does not mean that the 'life' is not an end in itself. For example, in capital punishment, when the offender is killed, it does not mean that his life has ceased being an end in itself but that the continued living of the killed can jeopardise the lives of many people.

Terminating the life of a patient (euthanasia) may similarly not mean that the patient's life is not an end in itself. And it would be a folly for euthanasia to be advocated for, with the belief that life can be 'useless'. It is the 'living' that can be useless. By 'living' is meant the 'state' in which a person may be in. This is to say that, for example, a "human vegetable's" life is not 'useless', but it is the state of his living that may be 'useless'.

What the above suggests is that euthanasia can be administered without negating the fact that life is an end in itself. Euthanasia, from the onset is described as a mercy killing. This implies that the motive behind it is mercy. Mercy, not to the life of an individual, but mercy towards the state or circumstances a patient is living. And hence, advocating for euthanasia is not the advocacy of killing all patients, but only those that have shown and/or express that living is a big burden to them due to incessant pain or incapacities.

#### **5.3.4 Can a killing be out of mercy?**

In the preceding discussion, it is pointed out that euthanasia is described as mercy killing. A question that has arisen from this description is whether the killing of a fellow human being can be out of mercy. It may be argued that 'mercy' negates killing and that one cannot be motivated by

it to kill. Killing, it is argued is terminating a person's life and that in principle is morally bad as it curtails the hopes and desires of an individual.

The above invokes the idea of duties as expounded by Kant<sup>14</sup>. To Kant there is the duty of preserving one's life and that of others. Love for others, which may be reflected in mercy, it can be argued, cannot lead one to kill or will the death of others. No killing, it can be argued, is out of mercy. Mercy, one may rightly observe, can only lead one to preserve the lives of others.

Killing, negates mercy for it is done out of malice and ill feeling. This is refuting that euthanasia is mercy killing; that there are other motives (for example malice) that masquerade as mercy in the advocacy of euthanasia.

*Prima facie*, it seems a contradiction to say, for example, that Mr. A. killed Mr. C. out of mercy. This is because 'mercy' or 'sympathy' are words and expressions that express and show love but not malice, for them to motivate one to kill. It is however not true, one may argue, that 'mercy' cannot motivate a person to kill another. 'Mercy' may imply helping another person and the help can be in any form. Mercy towards a patient who is suffering may entail helping the patient overcome or escape from torment occasioned by illness.

Helping the patient escape torment can include terminating his life without negating the fact that the killer has mercy towards the killed. And from the duty point of view, it can rightly be argued that one's duty to another, which entails loving him, can lead one into terminating life. This is because the duty to love others includes doing everything possible to alleviate suffering of the other and this can include killing.

### 5.3.5 The question of money

It is sometimes argued that a lot of money committed into sustaining, for example, a 'human vegetable' is too much that it should not be wasted on a 'being' whose recovery is highly doubtful. Instead, it can be argued, the money should be used to improve the welfare of those who are still actively productive.

It is true that a lot of money is spent to sustain patients who have shown that they cannot recover. For example, the cost of sustaining Nancy Cruzan<sup>15</sup> in the permanent coma was said to have been \$130,000 annually for six years. While this money was being spent on her despite the fact that the doctors had said that she would never recover, it is possible that thousands of people were doing without some basic needs including food. The question, one may ask, is whether it is justifiable to spend a lot of money on a person who can never recover and let those who are normal suffer and risk dying.

Money is not an end in itself, but a means to an end. This end can be good health. Hence, money gets its exalted position because it is a means to attaining many things. From this point of view, there would be nothing wrong to spend money on a terminally ill patient or a patient that is certainly not going to recover. And because life is an end in itself one can use all resources available to preserve it. Hence, it would be justifiable to spend as much money as possible to sustain life.

The issue of money can best be looked at, by resorting to an ethical theory, for example, utilitarianism. According to utilitarians, there would be nothing wrong in spending money to restore health. But this can be justified only if it promotes the general good (happiness). When can utilitarians say

that the money being spent on a patient is promoting the general happiness and good? It would be justifiable to utilitarians to use huge sums of money on a patient if a physician is able, for example, to make a great discovery that is bound to help many people.

Utilitarians would also justify spending a lot of money on a patient when it is in such away that the death of the patient would precipitate chaos and hence sufferings. This is when, for example, the patient is a political head (say a president). However, much money is spent to sustain patients without the aim of promoting the general good. In fact there are cases where parents have had to intervene by seeking court orders to allow their sons or daughters to die peacefully.

Utilitarians may argue that the huge sums of money that is spent to keep such patients alive should be committed to beneficial ventures that can promote general happiness. To them therefore, a family or the state should not impoverish itself by exhausting all its resources to keep a patient who is not going to recover, alive. But if there are possibilities of the patient recovering, there would be nothing wrong in spending the money because the eventual recovery of the patient can promote the general good.

**NOTES**

1. Classical utilitarians are the very first utilitarians like Jeremy Bentham and John Stuart Mill.
2. See Gormally Luke "A non-utilitarian case against euthanasia in Downing, A.B. (Ed.), Voluntary Euthanasia: Experts Debate: The Right to Die. Peter Owen Publishers, London (1986).
3. See *Ibid.*, p. 74.
4. See Singer Peter, Practical Ethics. Cambridge University Press, Cambridge (1979).
5. See *Ibid.*, p. 79.
6. *Vide supra*. p. 1-25.
7. See Morals and Medicines: Discussions from the BBC third programme, London (1970) p. 11.
8. *Vide supra*. p. 51.
9. See Oruka Odera H., The Philosophy of Liberty: An Essay in Political Philosophy. Standard Text Books Graphics and Publishing, Nairobi (1991) pp 63-64.
10. Singer Peter, *Op. cit.*, p. 82.
11. See Barbara Smoker "A Rejoinder to Religious and Non-consequentialist Objections" in Downing, A.B. (Ed.) *Op. cit.*, p. 102.
12. See Gormally Luke, *Op. cit.*
13. *Ibid.*, p. 85.
14. Kant, I. The Doctrine of Virtue (Part II of the Metaphysics of Morals : Gregor, M.J. (trans), Harper and Row Publishers, New Yorks (1964) p. 82.
15. *Vide supra*. pp. 1-25.

# CHAPTER SIX

## CONCLUSION

An attempt has been made throughout this work to establish two things:

- i. Whether the principle of preserving life is and has been an overriding one. We have endeavoured to establish whether the principle of preserving life supersedes all other principles and considerations when it comes to terminating human life. And also whether euthanasia should be opposed on the basis of this principle.
- ii. Secondly, we have endeavoured to establish whether human life has special or unique qualities or values and whether these factors can militate against terminating it, including euthanasia.

### **6.1 PRESERVING LIFE**

The principle of preserving life is highly regarded, not only in the modern societies but also in the traditional ones. Man's life is highly respected and valued hence its careless termination is abominable and highly prohibited. Terminating someone's life in most modern societies constitute murder. And the culprit can either be put to death or sentenced for life. In these societies, killing oneself is not condoned and hence, attempting to kill oneself is a serious offence that calls for heavy punishment of the victim.

In traditional societies, as represented by the Idakho, killing someone, be it a kin or a non-kin is a very serious act. Among the traditional Idakho, it makes one unclean. One can't mingle freely with others. It is cleansing that obliterates the uncleanliness. The killing of a kin however, is more serious and

infact incredulous. When it occurs the culprit is severely punished. As found out, the culprit is excommunicated, together with his family, , from his community.

This makes it clear that the principle of preserving life is a universal one. It is unlikely that there is any society that does not adhere to it. From this work however, it is evident that the principle of preserving life has never precluded man, the society or state from killing or sanctioning the death of a human being. Both in traditional and modern societies there are forms of killing. or deaths that are embraced and encouraged. In mordern societies for example, the state has reserved to itself the right to kill. The ~~State has~~ been authorizing the termination of human lives not only through capital punishment but also through wars.

And it was found out that the principle of preserving life does not supersede all other principles and considerations. In some cases it is superseded by, for example, utilitarian considerations, ~~retribution~~, and prestige that lead to terminating human life.

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## 6.2 HUMAN LIFE

In this work, an attempt is made to establish whether human life is special or unique in any way to warrant the principle of its preservation. This was in an attempt to get an insight into why terminating human life is always viewed with horror, not only in modern societies but also in the traditional ones.

It is found out that human life has higher value than that of plants and animals. There is a classification of lives. At the bottom is the plant life,

followed by the animal life and at the top is the human life. The classification is based on the qualities that plants, animals and humans have. For example, despite the fact that both plants and animals are living, animals have qualities and capabilities that are higher to those of plants, for example sensitivity and locomotion. And also, despite the fact that man is living just as plants and animals are, he is endowed with rationality, a quality and capacity that the former lack.

It is from the above point of view that one may arrive at a conclusion that animal life is higher than plant life and that human life is higher in value than both plant and animal lives. Intrinsically however, there may be nothing different in the three lives. What constitutes plant life may be the same to animal and human lives.

To scientists and philosophers, it is rationality, an attribute that is uniquely human that exalts his/her life and hence makes it acquire higher value and meaning than that of plants and animals. Because of rationality, man is self-conscious and exists as a distinct entity with the conception of the past and the future. These attributes are the ones that may militate against indiscriminate killing of human beings. Because of being self-conscious and rational, it is observed that an adverse effect of killing humans is fear - fear of being killed. This is unlike plants and animals which cannot fear of being killed as they are not self-conscious and rational. Killing one or some of them cannot make the remaining ones live in fear of being killed.

As observed, christians have a different perspective through which they perceive human life as special and unique. To them, human life is unique and

special because man was created in God's image, unlike plants and animals. It is abhorable and in fact a sin for one to terminate human life because God placed special value to it. The christian abhorrence to terminating human life is enforced by the commandment that "thou shalt not kill". Terminating human life in this regard, it can be argued, has a divine disapproval and condemnation.

As the case with the principle of preserving life, the "speciality" of human life or the higher value it has, has not precluded it from being terminated. This applies to not only modern and traditional societies, but also to christians. The Bible is not without stories of man killing man. Israelites loaded with the commandment (that forbid killing) for example, killed the groups of people they found occupying the land of Canaan in what is proudly called the Canaanite wars. Currently it may not be abominable for a christian to kill, for example in self defence.

The above points to one conclusion; that even the divine commandment forbidding the termination of human life can be overtaken by certain factors and considerations that favour killing. Hence the principle of preserving life and the high value a human life has are not strong enough to totally militate against terminating it (human life).

### **6.3 TERMINATING A PATIENT'S LIFE**

Granting that there are some principles or considerations that can and have justifiably led to terminating life in disregard to the principle of preserving life, and the fact that human life is special and with high value, we attempted to show whether the same justification can apply to terminating the life of a

patient out of mercy (euthanasia).

We found out that the principle of preserving life and the high value attached to human life can be put aside and justifiably put a patient to death. There are principles and considerations that can act in favour of terminating the life of a patient who is, for example in a comatose or in a "vegetable state". One such principle is the utilitarian principle, the principle of the greatest happiness to the greatest number.

It became apparent in the research that most other forms of killing, for example, in war, capital punishment, and the killings embraced in the Idakho traditional society are largely condoned due to this principle of utilitarianism. When for example, one is killed for threatening state security, it is the general good and happiness that is being promoted and protected. And among the Idakho, the practice of killing children born out of incest is upheld to safeguard the general good and happiness of not only the family and the clan, but also the whole ethnic group.

Similarly, we found out that the principle of utilitarianism can be used to justify euthanasia when its application is for the general good and happiness of not only the patient's family and relatives but the whole nation. However, if its application undermines the general happiness and good, it cannot be justified. And therefore, the killing of thousands of Jews in Germany during the reign of Adolf Hitler in the name of "people undesirable to live" could not be justified by the principle of utilitarianism. This is because it was not promoting the general good and happiness but promoting greater evil - hatred.

We also found that there is another consideration that can justifiably

lead to terminating the life of a patient. This is in connection to consciousness. A factor, we observed, that elevates human life and which militates against terminating it is self-consciousness and rationality. Some patients however become so sick to the extent that they not only lose conscience but also self-consciousness. It was observed that terminating the life of such a patient may not carry with it the stigma like when the life of a patient who is self-conscious is terminated.

Despite the fact that euthanasia can justifiably be applied given utilitarian principle, we found that there are issues and dilemmas that cannot easily be resolved if euthanasia is adopted. One such issue is who should decide when and how euthanasia should be applied - should it be the patient, the doctor or the family or relatives? This issue is a major one when it comes to legalizing euthanasia. This is because whether the decision is made by the patient, a doctor or relatives there are some faults. We found out that it would be plausible for this decision to be made by the doctor given some checks.

#### 6.4 FINDINGS

In recapitulation, the following are the findings of this work.

- i. Human life is highly valued in all the three worlds considered. To philosophers and scientists, it is rationality that elevates human life. To christianity and the Idakho, it is God who has placed special value to human life.
- ii. Because of the high value allotted to human life, there is the principle of preserving life which seems to be universal. Hence, terminating human

life is always condemned and viewed with horror.

- iii. Despite the fact that there is the principle of preserving life and that high value is attached to human life, terminating some lives has always been necessary. Some other principles have always dictated that human life be terminated. Hence, modern and traditional societies are not without cases of terminating life. And, the Bible does not lack episodes of man killing man.
- iv. Utilitarianism as a principle and 'fear' as a consideration can be used to justify euthanasia.

## 6.5 CONCLUSION

Given all the findings of this work, it can be concluded that it would be illogical to oppose euthanasia on the grounds that human life is special and that doing so violates the principle of preserving life. And, just as some principles, for example, utilitarian ones are used to justify other forms of terminating human life, so can the same be done on euthanasia.

**KEY INFORMATS**

MUNIALO WINJILA	-	LUSIOLA VILLAGE
MUSINE LITORO	-	SHIANJETSO VILLAGE
LICHINGA TIENI	-	SHIKOKHO VILLAGE
JOHN ITEYO	-	KASAVAI VILLAGE

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