

Chapter IX

SOME RELATED CONCEPTS : HEALTH AS HUMAN RIGHT, EUTHANASIA, ARTIFICIAL INSEMINATION AND ABORTION

In this concluding chapter we propose to round off our discussion by touching upon some related concepts such as health as a human right, euthanasia, abortion, artificial insemination etc. Our discussion of these topics shall be briefed. But we open these issues only with a view to highlighting the immense potentialities of new thinking. Euthanasia is respectably an ancient concept, but it is only of late, it has come to be widely debated upon. The practice of abortion has been a secretive deal and some religions of the world prohibited it strictly. But new grounds are being broken when in secular societies abortion is being legalised. In spite of it the ethical and legal issues have not yet been settled over, and the practice of abortion requires a cooperation of philosophers, sociologists, legal experts and religious leaders. Abortion is not mere a matter of biotechnology. Both artificial insemination and abortion are matters of concerns for the human psyche.

Human Values and Quality of Life

While asserting that the essence of life's quality is rooted in the mind and spirit of man, the formulation of a

general statement on human values for our time could help the shaping of appropriate attitudes, common beliefs and suitable criteria and content of education for contemporary man. Such a statement can be based on the following nine aspects of man, common to all civilizations and culture ; Man and his own self, Man and his fellow-man, Man and his habitat, Man and his work, Man and art, Man and his technology, Man and his Ideology, Man and Time, Man and his cosmos.

Man's relationship to society should be governed by principles of humanistic morality acceptable to all and reflecting the quality and sensitivity of human relations, based upon compassionate love, mutual understanding and appreciation and respect for justice and solidarity of mankind.

Technological advance should be for human welfare and for the enrichment of man's humanity. Uncontrolled mechanisation for sheer power and de-humanisation needs to be checked.

Ideology should be valued for its ennobling influence, its strength and integrity, its dedication to peace and harmony and its commitment to man's humanity.

The consciousness in time and the experience of the life-cycles contemplated the mysteries of life and death and the concept of eternity. Cosmic dimension of life brings us closer

to each other and gives a proper perspective to temporal existence.

Health as a Human Right

If we are to bring about a rapid improvement in our health status for the impoverished masses of our society, the concept of health as a human right has to be actively transmitted and pursued. This is possible through a health movement which has to be directed to all segment of the community. Such movements may be able to achieve a certain extent of self-reliance in the efforts towards "Health for All". Simultaneous thrusts are necessary in the areas of agriculture, income generation, education which will directly benefit the impoverished masses living in the rural, tribal and urban areas of our vast country.

Protection of the public and rendering adequate and human services are the first responsibility of all of us. The sense of responsibility is as basic as honesty, integrity and clear conscience in the character of man.

The tradition of the medicine is to cure, to heal and to relieve suffering. With the sound background of training, thinking trends and the outlook, medical men must reach out to those who need them and not to convert the patient care into trade. Everyone must owe a sense of responsibility towards the ailing patient.

The Right to Live and The Right to Die

Recently the right to die is being argued as much as the right to live. We shall briefly touch upon the notion of euthanasia, as the idea of the right to die is called.

Euthanasia

Euthanasia has its origins from a Greek word, the term 'Eu' means 'Well' and 'Thanatos' means death and it literally means an easy death.

When life become a punishment and dying comes as a pleasure to a patient, he pleads to a doctor to relieve his suffering soul from bodily cage. The conflict is often stated to be between the doctor's duty to treat to the best of his ability and patient's right to be allowed to die quietly and in peace, when further medical measures appear meddlesome and only prolong suffering. Even Gandhi, who shunned all violence, recommended that the life of a sick cow should be terminated when keeping it medically alive would mean to prolong its pain.

Euthanasia and the Law

The right to life is universal and is the source for the right to health. This has been the guiding principle for members of the medical profession. The right to life is a

fundamental right which is obtained by virtue of one's very existence as a human being. If, however, one accepts a 'right to die', then there will be an obligation for society to promote the right to kill. This should never be acceptable and would certainly be against all ethical principles of the medical or legal profession.

It is clear that euthanasia is morally unacceptable. Moreover it is against the social and cultural traditions of the peoples of India who have a variety of religious backgrounds.

Terminal Care - Ethics and Cultural Aspects

Mankind is subject to the experience of physical death. Terminally ill (dying) means that the patient has an illness which has been accurately diagnosed, and which seems certain to bring about his death within a relatively short period of time, since the illness is beyond cure. Caring for dying patients and giving sympathetic support to bereaved families are profoundly important parts of the work of doctors nurses and other members of the caring professions.

The care of the terminally ill patient do not stop when the patient died. A special, unhurried visit following soon after the patients death to take and discuss is greatly appreciated

by the family and these visits to the bereaved family should continue for a further period of time, until there is an amelioration of their grief and loneliness.

Ethical Issues in Abortions

Ethics and human values for any given situation undergo changes from time to time as these are influenced by many changing environmental factors. Rapid scientific advancement, spread of education, expansion of health services, economic growth, social behaviour and attitudes and political situation depend upon ethics and human values. Ethics and human values are subjected to immense pressure. Ethics imply morality and moral obligations. It has to be further realised that what is morally right is not the same as what is legally right or permissible, this is so true for abortions.

Induced abortions are generally considered immoral, but it is stated that pressures of (a) economic hardships, (b) cramped housing problems, (c) education of children, (d) women's changing role in society (e) harmful effect of clandestine abortions and (f) growing population compel us to accept abortions.

Moral and Ethical Aspects of Artificial Insemination

Human mind is conditioned by a large number of

factors. What is legal or illegal, what is ethical or unethical, what is good or bad, what is moral or immoral, what is sinful or otherwise are all determined by an individual's upbringing, his immediate social and cultural environment, his religious background and a host of such other factors.

Many newer health techniques are being discovered with the advancement of sciences. Among those techniques AID (Artificial Insemination by donor semen) is one type of technique. But most of the country do not morally recognize this kind of development. An AID child is still illegitimate in many civilized countries of the world.

The Moral Status of Abortion

The moral status of abortion, we may define as the act which a woman performs in voluntarily terminating, or allowing another person to terminate, her pregnancy, while it is not possible to produce a satisfactory defense of a woman's right to obtain an abortion without showing that a fetus is not a human being, in the morally relevant sense of that term, we ought not to conclude that the difficulties involved in determining whether or not a fetus is human make it impossible to produce any satisfactory solution to the problem of the moral status of abortion.

Of course, while some philosophers would deny the

possibility of any such proof, others will deny that there is any need for it, since the moral permissibility of abortion appears to them to be too obvious to require proof. But the inadequacy of this attitude should be evident from the fact that both the friends and the foes of abortion consider their position to be morally self-evident.

These arguments are typically of one of two sorts. Either they point to the terrible side effects of the restrictive laws, e.g. the deaths due to illegal abortions, and the fact that it is poor women who suffer the most as a result of these laws, or else they state that to deny a woman access to abortion is to deprive her of her right to control her own body. The appeal to the right to control one's body which is generally construed as a property right, is at best a rather feeble argument for the permissibility of abortion. Mere ownership does not give me the right to kill innocent people whom I find on my property, and indeed I am apt to be held responsible if such people injure themselves while on my property. It is equally unclear that I have any moral right to expel an innocent person from my property when I know that doing so will result in his death.

It is probably inappropriate to describe a woman's body as her property, since it seems natural to hold that a

person is something distinct from her property, but not from her body. Even those who would object to the identification of a person with his body, or with the conjunction of his body and his mind, must admit that it would be very odd to describe, say, breaking a leg, as damaging one's property, and much more appropriate to describe it as injuring oneself. Thus it is probably a mistake to argue that the right to obtain an abortion is in any way derived from the right to own and regulate property.

But however we wish to construe the right to abortion, we can not hope to convince those who consider abortion a form of murder of the existence of any such right unless we are able to produce a clear and convincing refutation of the traditional antiabortion argument, and this has not, to my knowledge, been done. With respect to the two most vital issues which that argument involves, i.e., the humanity of the fetus and its implication for the moral status of abortion, confusion has prevailed on both sides of the dispute.

If a fetus is a human being, then of course abortion is morally wrong, and that an attack on this assumption is more promising, as a way of reconciling the humanity of the fetus with the claim that laws prohibiting abortion are unjustified, than is an attack on the assumption that if abortion is the

wrongful killing of innocent human beings then it ought to be prohibited.

The argument a fetus may have a right to life and abortion still be morally permissible, in that the right of a woman to terminate an unwanted pregnancy might override the right of the fetus to be kept alive. The immortality of abortion is no more demonstrated by the humanity of the fetus, in itself, than the immortality of killing in self-defense is demonstrated by the fact that the assailant is a human being. Neither is it demonstrated by the innocence of the fetus, since there may be situations in which the killing of innocent human beings is justified.

The assumption that if a fetus is human then abortion is wrong for exactly the same reason that murder is wrong, is seldom questioned.

But one may question this assumption, even if we grant the antiabortionist his claim that a fetus is a human being with the same right to life as any other human being, we can still demonstrate that, in at least some and perhaps most cases, a woman is under no moral obligation to complete an unwanted pregnancy. This argument is worth examining, since if it holds up it may enable us to establish the moral permissibility of abortion

without becoming involved in problems about what entitles an entity to be considered human, and accorded full moral rights. To be able to do this would be a great gain in the power and simplicity of the proabortion position.

But the argument that if fetuses are human then abortion is properly classified as murder, is an extremely valuable one.

We will consider whether or not it is possible to establish that abortion is morally permissible even on the assumption that a fetus is an entity with a full-fledged right to life.

An answer to this question would be that a fetus cannot be considered a member of the moral community, the set of beings with full and equal moral rights, for the simple reason that it is not a person, and that it is personhood, and not genetic humanity.

It may be argued that a fetus, whatever its stage of development, satisfies none of the basic criteria of personhood, and is not even enough like a person to be accorded even some of the same rights on the basis of this resemblance.

The traits which are most central to the concept of

personhood, or humanity in the moral sense, are, very roughly, the following :

- (1) consciousness (of objects and events external and/or internal to the being) and in particular the capacity to feel pain;
- (2) reasoning (the developed capacity to solve new and relatively complex problems);
- (3) self-motivated activity (activity which is relatively independent of either genetic or direct external control);
- (4) the capacity to communicate, by whatever means, messages of an indefinite variety of types, that is, not just with an indefinite number of possible contents, but on indefinitely many possible topics;
- (5) the presence of self-concepts, and self-awareness, either individual or racial or both.

I will assume that we all know approximately what (1)-(5) mean.

All we need to claim, to demonstrate that a fetus is not a person, is that any being which satisfied none of (1)-(5) is certainly not a person.

The concept of a person is one which is very nearly universal (to people) and that it is common to both proabortionists and antiabortionists. It is a part of this concept that

all and only people have full moral rights. The concept of a person is in part a moral concept, once we have admitted that X is a person we have recognized, even if we have not agreed to respect, X's right to be treated as a member of the moral community.

If (1)-(5) are indeed the primary criteria of personhood, then it is clear that genetic humanity is neither necessary nor sufficient for establishing that an entity is a person. Some human beings are not people, and there may well be people who are not human beings.

To ascribe full moral right to an entity which is not a person is as absurd as to ascribe moral obligations and responsibilities to such an entity.

A rational person must conclude that if the right to life of a fetus is to be based upon its resemblance to a person, then it cannot be said to have any more right to life.

There may, of course, be other arguments in favour of placing legal limits upon the stage of pregnancy in which an abortion may be performed.

Consequently, a woman's right to protect her health, happiness, freedom, and even her life, by terminating an unwanted

pregnancy will always override whatever right to life it may be appropriate to ascribe to a fetus. In the absence of any overwhelming social need for every possible child, the laws which restrict the right to obtain an abortion, or limit the periods of pregnancy during which an abortion may be performed, are a wholly unjustified violation of a woman's most basic moral and constitutional rights.