
DYING WITH DIGNITY AND THE ARGUMENT FROM CONSCIENCE

Christopher Ryan Baquero Maboloc¹

ABSTRACT

This paper examines some of the arguments in favor of and against “mercy killing”. Euthanasia is defined as the voluntary or involuntary killing of a terminally ill human being suffering from unbearable pain and intolerable suffering. Literally, euthanasia means “good death” or “dying with dignity.” But the argument for mercy killing hides under the ill motive of emancipating oneself the burden of having to bear a life that appears meaningless. This inquiry argues that such a position is morally unacceptable since it violates life itself. But the reason this paper puts forward is not based on the stewardship argument, one that says life is sacred. The stewardship argument is weak compared to the “right to die” advanced by liberal philosophers. As an alternative, the “argument from conscience”, which puts emphasis on recognizing the moral mistake of reducing the value of human life into something that is instrumentalist, is proposed. James Rachels’s utilitarian argument for mercy killing seeks to diminish the suffering in the world. But what it hides is that it actually mistreats human life as something that is quantifiable. The argument from conscience is a humanist position that is grounded in the love and attention for the dying.

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Introduction

Every society, whether modern or traditional, liberal or communitarian, understands that human Life is precious. Life is the greatest value there is. Beyond any form of material value or cultural milieu, nothing is greater and nothing is more important than life itself. The point lies in the fact that people have their distinct ways of finding meaning and for this reason, evaluating whether life is meaningful or not cannot be something that is left to any material or objective categorization. One reason advanced by those who favor mercy killing is that there are situations when pain becomes terribly unbearable for the terminally ill. It is a situation that calls for moral judgment. In such a condition, people cannot help but ask about the meaning of human life and its basic value. Should people who are in very difficult medical conditions be allowed to die in order to end their suffering? Could there be another option? Is the option of euthanasia moral and truly human? Firstly, a careful description is needed:

The concept of Euthanasia has been a controversial topic since its inception. The word ‘Euthanasia’ is derived from Greek, ‘Eu’ meaning ‘good’ and ‘thanatos’ meaning ‘death’; put together it means ‘good death’. Euthanasia is defined as the hastening of death of a patient to prevent further sufferings. Active euthanasia refers to the physician deliberate act, usually the administration of lethal drugs, to end an incurably or terminally ill patient’s life.²

The standard textbook definition for euthanasia or “mercy killing”, is that it is the voluntary or involuntary killing of a terminally ill human being suffering from unbearable pain and intolerable suffering. Literally, it means “good death.”³ In short, it is dying with dignity. The burden of wanting to die is not merely on the patient, but also with those around

him who have to make a decision if the latter is incapacitated to do so. The moral difficulty of the issue comes from the fact that “an essential aspect of euthanasia is that it involves taking a human life, either one’s own or that of another.”⁴ The main argument by those who favor euthanasia is that “the person whose life is taken must be someone who is believed to be suffering from some disease or injury from which recovery cannot be reasonably expected.”⁵ This paper seeks to revisit the argument that is based on the assertion of “unbearable pain” in cases considered as “hopeless” and propose the “argument from conscience” as a way to counter the same.

The idea of “dying with dignity” is a difficult moral issue. This paper will try to assess the moral facet of the problem. There are two important factors that should be present. First, that the patient must be terminally ill whose recovery is considered to be medically improbable. Second, that the patient’s physical condition is unbearable that it can be reasonably considered to be more humane to end a person’s life. In addition, however, a third condition exists: that the action must be deliberate and intentional.⁶ Being deliberate and intentional, the action itself becomes the direct cause of death. This death is seen to fulfill the motive of ending the dying person’s unbearable pain and intolerable suffering. It is seen as something that is liberating it frees people from much of the burden.

The first condition implies that all medical options have already been considered. This means that an expert opinion is making the judgment that the patient’s medical condition is irreversible. In cases where a person feels that life has become meaningless because the same is either incapacitated physically or find it difficult to go on with one’s daily routine, it can be said that there is no unbearable physical pain compared to a patient, for instance, who is under a condition called “constant vegetative state.” This necessitates the fact that all medical means shall have already been explored or tried. Consider the case of a person who is in a constant vegetative state. It is a medical situation where the patient’s conscious state has been found to be dysfunctional. In this condition, only machines are keeping the patient alive. For instance, any voluntary response, which doctors can check through the eyelid, is no longer present.

In the above case, some people consider euthanasia as an option. They think that living under life-support machines is pointless and a hopeless case that the condition seems to be unnatural and less dignifying. They say that the person should at least be given the choice to die in dignity. The aim may be to spare the person additional and unjustifiable pain, to save him from the indignities of hopeless manipulations, and to avoid increasing the financial and emotional burden of his family.⁷ It is in this respect that when doctors say that no other medical option available, it can be said that people can empathize and must go beyond mere legalities. The final choice should not be made by these experts or even the courts. The state for that matter should not be an obstacle in the decision of parents to seek experimental treatment in the case of a child who is terminally ill.

Some argue, in this sense, that people have a right to a dignified death. What does it mean to die with dignity? Is ending the suffering of a patient dying with dignity? Is allowing a patient to make the decision of killing oneself or through the assistance of a doctor the definition of dying with dignity? For sure, the idea of dying with dignity can be challenged. For example, there are consequences to consider when it comes to this issue, “given the potential for abuse if physician assisted suicide were to be legalized in a climate of overarching cost containment in health care, careful consideration of alternative ways for patients to retain some control over the timing and circumstances of death seems warranted”.⁸ The idea is that euthanasia may not be the solution. It can be abused by some medical practitioners. In the light of the above, a more plausible argument can be developed.

The Right to Die

Should society permit mercy killing? Is there any moral basis for such? Or should society play the role of a guardian of human life, suggesting ultimately that no person can take away his or her own life because it violates the purpose of justice? First, we can take off from the point of view of liberty. People are rational beings. They know what

is right and what is wrong. Thus, people know what is good for them. In this sense, it can be argued that people should be free should they choose to die a dignified death. It is the individual who is suffering from an unbearable pain and as such, the individual must be accorded the right to end his suffering. This is the argument of Ronald Dworkin, Thomas Nagel, Robert Nozick, John Rawls, Thomas Scanlon and Judith Jarvis Thomson, in *The Brief of the Amici Curiae* (Friends of the Court) in the case of *State of Washington v Glucksberg*. They state that:

A person's interest in following his own convictions at the end of life is so central a part of the more general right to make intimate and personal choices for himself that a failure to protect that particular interest would undermine the general right altogether.⁹

The above position can be considered as the liberal argument. It implies that what a patient regards as the proper ground for such a decision (dying) normally reflects the judgment of personal ethics, of why his life is important and what affects its value, that a patient has a crucial liberty interest in deciding for themselves.¹⁰ The philosophers argue that the liberty principle includes the right to die. Since it is based on the freedom of the individual, it can be said that it has a strong basis for justification. After all, it is the person who goes through the experience and for this reason, the decision of the same must be respected. The right to die, it is presupposed here, is correlated strongly with the dignity of the individual because the same owns his life and as such, is entitled to what he wants to do with it in times of suffering.

The liberal argument for euthanasia thus contends that the individual, being bearers of values, can decide for himself or herself the important matters that affect his or her life, including death. But how does one counter such an argument? Would the government, being the protector of public interest, also hold certain powers to protect the public from the many possibilities of abuse which assisted suicide may result to? For

instance, a person who may desire to die, for psychological reasons, might invoke a right to die. Physicians, if a law permits them to assist this person, might use the law as a legal excuse, even though their moral judgment on flimsy grounds. A counter to this is the idea that strict protocols can be enforced to avoid abuses. Policy formulation and implementation, in this way, can respond to the slippery slope argument which suggests that legalizing euthanasia will lead to more cases of people availing the services of doctors who can administer lethal drugs to end one's life.

In an opinion, the former US Supreme Court Chief Justice William Rehnquist, in the above case, a case in which at issue is the constitutionality of the State of Washington's ban on assisted suicide, says that "the State has an interest in protecting the integrity and ethics of the medical profession...physician assisted suicide is fundamentally incompatible with the physician's role as healer."¹¹ Experience bears out that the primary function of the state is to protect its citizens and to promote their well-being. Permitting mercy killing or even legalizing it appears to violate the solemn duty of the state to be a protector of human life. For instance, in terms of protocols pertaining to permissible deaths, is the line of thinking clear or is it something left to the judgment of the physician?

Justice Rehnquist also adds that "the State has an interest in protecting the vulnerable groups, including the poor, the elderly and disabled persons, from abuse, neglect and mistakes."¹² In this case, the liberty interest argued for by the philosophers is far outweighed by valid State interests. For Justice Rehnquist, the State holds certain legitimate and moral interests, i.e., the protection of the medical profession from manipulation and abuse, against claims of a person's right to die. In developing countries where ethics committees are weak, there can be real problems when it comes to any law permitting euthanasia. The context of culture, the reality of corruption, and the lack of reflection on the meaning of moral responsible matter in this regard.

While it can be said that liberty should include the "right to die", as argued for by the philosophers, it is also the Court's opinion that the State, by virtue of its power, can constitutionally implement the

law banning assisted suicide. What the court ruling says is that the law implemented by Washington State does not violate the liberty principle in the US Constitution. The moral basis for such a law is that as a matter of principle the State can safeguard the interest of the medical profession, and in this sense, the law's intention is to protect the public. What we do know, however, is that doctors sometimes give the families of patients the final say when it comes to pulling the plug. This indirect type of mercy killing is used to justify end of life decisions which can be considered as violative of the rights of the patient who may want to go on living but fails to find the love and attention from family and even the support that the state is supposed to provide.

It is the duty of the state to promote and protect public interest. Public interest demands that the state use the strong force of the law to prevent physicians from making rushed judgments that only cater to their own interests and not of the patient. The law is in no position to invoke any metaphysical doctrine regarding the sanctity of human life but the state can enforce its oversight function in terms of the decision of ethics committees on end-of-life issues. The spirit of the law banning assisted suicide comes from the very principle of public welfare as a state duty. It is, in this regard, a political decision. But at the same time, it is a moral decision. Upholding public welfare, in this sense, also means upholding the very value of human life, by implication. The right to die as a liberal argument can be prone to manipulation and abuse. It cannot guarantee the lawful protection of the dignity of the human being.

The Stewardship Argument

The stewardship argument states that a person cannot take away his own life, since it is against God's law, which comes from the notion of stewardship. In this argument, it can be said that human life is a value that belongs to God and God alone. Humans are simply caretakers of life. The question of human life is a matter between the person and his or her God. It is not for society to decide. Being caretakers of human life, it is our absolute moral obligation aim at the moral good – the moral good being the

absolute respect for the dignity of the human person. St. Thomas is clear that God's eternal law disallows human beings from making the decision to take away one's life. In the mind of the people though, they have a hard time admitting that life is a special value since one is a creature created in God's image and likeness.

The religious aspect of the stewardship argument suggests that human life is a God-given gift. To unbelievers, it can be argued that the life one has is not one that he or she owns since one cannot cause his or her own existence. It is plausible to argue, for secular reasons, that the very purpose of life is the achievement of a moral good. This moral good means that human life has some value, a value that transcends our practical ends. This means that life does not exist because of its function. Rather, life is the ground and norm for the achievement of a meaningful existence. It is a meaningful existence that begins with a fact – the fact of human existence. Being human, we are tasked to take good care of the life we possess because in itself, it is an absolute moral value. J-Gay Williams say that euthanasia is wrong because

Every human being has a natural inclination to continue living...In our daily lives we exercise the caution and care necessary to protect ourselves. Our body is structured for survival right down to the molecular level.¹³

Williams argues that each person has a responsibility towards life. What is the meaning of this responsibility? We can distinguish between personal and social responsibility. Personal responsibility means that the person is in charge of his life. It is his duty to make right choices and protect his well-being. This responsibility means that it is our moral obligation to consider matters that will result to the betterment of human life. One is taken to task to use human reason in order to improve our very existence. The natural inclination of the human mind is to seek refuge when life is in danger. Consequently, this means that the person should do whatever it is that lies within our capacities and mental abilities to serve the ultimate

good – the dignity of human existence.

But what if the same person's moral fabric collapses because of his unbearable situation? Soren Kierkegaard's "the sickness unto death" tells us that the most difficult situation a person can be in is not something physical. Rather, it is the loss of existential meaning. When the person no longer sees what is beautiful or fails to value the future, he loses control of life and its value. Fighting for survival means that one must have the courage and will to overcome meaninglessness. In this case, the second type of moral responsibility takes its social form. Social responsibility means that the family and the community around this person must help this individual. Most of the time, the person who feels depressed is alone and is without moral support. To save this person requires society recognizing its moral obligation of helping a person whose existence is at the end by giving the same comfort needed by someone who needs to feel the love of a family.

In general, the stewardship argument has a religious connotation. No person has the right to harm himself. Persons are mere stewards of human life. We are not the full owners of our lives. There is a God above who expects us to do things and devote our energies to the achievement of the moral good. Euthanasia does violence to the natural goal of survival.¹⁴ Euthanasia is literally acting against nature because all the processes of nature are bent towards the goal of bodily survival.¹⁵ The point therefore is that it is for God alone, being the absolute source of life, to take human life back. From a moral end, euthanasia or assisted suicide, our intuitions say, is murder. Some may claim that euthanasia can have a rational basis, i.e., ending unbearable pain and intolerable suffering, but it is still murder because human life is only borrowed from God.

The weakness of the stewardship argument is obvious. There are people who do not believe in God and for this reason, it would be difficult to convince others that life is sacred because it is a God-given gift. In this way, the stewardship argument can be questioned from the secular perspective. It is weak if one considers the advances made in science and

the realities of the time. People have science to depend on when it comes to the cure of diseases. Medicine has progressed to the effect that people now know the causes of many diseases and have found ways to treat them by means of genetic medicine although there are still mysteries when it comes to how to kill other pathogens that have wrecked humankind. Indeed, the liberal argument that is based on autonomy can easily render the stewardship argument a fatal blow when the freedom of the individual, which is constitutive of one's dignity, is invoked when it comes to the question of dying with dignity.

Assessing James Rachels's Utilitarian Argument

James Rachels discussed the "argument from mercy" in his paper "The morality of euthanasia". He says that "terminal patients sometimes suffer pain so horrible that it can hardly be comprehended by those who have not actually experienced it. He says that the argument from mercy is justified because it puts an end to that."¹⁶ The moral issue is whether or not mercy killing can be permitted if it seems to be the only reasonable option in order to put an end to the suffering of a dying patient and that of his or her family. From the point of view of consequentialism, one looks at the effects of prolonging the agony of a dying person whose case is hopeless. If the patient is allowed to remain in his state, there are repercussions to the welfare of his or her family. Rachels's argument is strongly based on utilitarian grounds, which he formulates in this way: Killing a hopelessly ill patient, who is suffering from great pain, at his own request, would decrease the amount of misery in the world.¹⁷

Rachels goes on to say that mercy killing is for the best interest of everyone since it frees both the patient and the family of the burden. The argument proceeds from the idea that an action is morally right if it promotes happiness; it is morally wrong if it increases human misery. Families also suffer socially and psychologically if a member is suffering too much pain. There is a great financial burden on the part of family members who need to forego or let go some vital things, material and others, including education, in order to continue the hopeless medication

of a terminally ill person. Thus, it can be argued that there is no benefit from the costs of paying for life-support machines because the condition of the patient is irreversible. Moreover, it can be argued that the future of some family members, most especially young children, is also at stake. It can be said that their well-being is somehow sacrificed for something that seems to be uncertain.

It can be said that the argument suffers from a fatal flaw. It considers the life of the patient as one that can be sacrificed for the sake of everyone else's. Since the patient is the source of pain then that source can be eliminated in order to eliminate the suffering of others. In addition, Rachels's utilitarian ground for mercy killing is without solid empirical proof. How sure can we be that we have ended human suffering by killing someone? Should we not be bothered by our conscience and also suffer psychologically because we have not done everything in order to save the patient? How certain are we that we are protecting the future of the children by saving what should have been spent on the dying? Does it really maximize our happiness that someone has died already and therefore will no longer bother us?

Another problem when it comes to the utilitarian argument is that it equates the value of life based on the availability of resources. During the height of the Covid-19 pandemic in which the US and Europe both saw a surge in the number of deaths, especially the elderly, a triage is performed as to who must be given life-saving ventilators. Old patients who have less chances of survival have been denied the care they need in emergency rooms because scarce beds for Covid-19 patients have been allocated to the patients who have better chances of survival. This type of behavior has been labelled ageism, a form of discrimination against old people who are relegated to the level of being dispensable members of the human community. While the parallelism may not be apparent, the basic idea is simple. Decisions on matters of life and death are reduced to the question of resource availability, which in the end, can only be judged as demeaning for the manifest discrimination against a sector that is excluded.

Response to Rachels: The Argument from Conscience

Life and death situations open us to the reality of life as unique. Every person lives a life that is worthy of respect and love. One basis for suggesting that euthanasia is wrong comes from the argument from conscience. Our conscience tells us what is right and what is wrong. It is a command from deep within us that tells us what it is that we must do. There is a supreme law that we have to obey. It is an absolute moral dictate. It is an absolute obligation that calls us to be morally responsible for all of our actions. Our conscience bothers us when we do what is not right. And this is the case most especially in euthanasia because we are dealing with human life. A person has one and only one life. There is no room for mistake. Our decision, therefore, should be based on the utmost respect for the dignity of the person because it is what our conscience tells us. The true humanist position considers the value of human life as something that is irreducible to anything quantifiable.

Each human life exhibits a form of absolute uniqueness. This uniqueness comes from the fact that the life you live, your historicity, the values you create, and the relations you have established, are irreplaceable and uniquely your own. Some can argue, of course, that it would be better for the patient to die because the pain is unbearable. Some say that we should be bothered by our conscience for allowing the patient to suffer more. But their argument is wrong. The basic principle here is that allowing the patient to die is an evasion from one's moral responsibility to the patient. Our conscience, being the voice of God in us, calls us to value life. Our conscience tells us never to sacrifice human life in exchange for our comfort or a way of avoiding the obligation to care for our loved ones who need our absolute love and attention.

The argument from conscience is a strong response to the utilitarian argument because it provides a stronger basis in terms of valuing human life. Rachels's position is instrumentalist for it reduces the value of life into something that is quantifiable. The argument from conscience dictates that the value of one's life is something that cannot be violated. It is morally wrong to commit euthanasia since it would simply reduce the wholeness

of human life to the physical or medical condition of the individual who is suffering from an incurable disease. The issue in euthanasia is not about whether or not one should be allowed to suffer. The issue is human life. What is human life? Are we merely biological species? Are we merely physical entities? Is the human person reducible to his physical condition? What, ultimately, is the ultimate value of human life?

The utilitarian argument for euthanasia misjudges the human person as a mere biological entity. The suffering of the patient is a physical pain, but the ultimate value of human life cannot be reduced to the biological. There is no such thing as a dignified death or dying in grace. Our conscience tells us that euthanasia is simply murder. It simply puts an end to human life because people cannot bear the hardships and the difficulties of caring for the sick and dying. It reduces the human being into a mere function since his condition renders him dysfunctional and useless, thus, it is suggested, albeit in a morally infirm way, that his existence is no longer important or necessary. Thus, euthanasia suggests that the condition of the patient renders his life meaningless. The person is seen as a problem that must go away. The same frame of mind reduces humans into disposable objects.

Thus, from the perspective of conscience, euthanasia is morally wrong. Above all, we should all choose human life. There is only one life, and the meaning of that life is irreducible to any condition. The value of that life comes from the very fact that there is no other life, except our one and only life. As such, instead of death, we must always show utmost care, love, deep attention, perseverance, sincerity, and courage. Choosing death tells us that we are weak. Choosing death suggests that love and utmost care and attention are no longer possible. Just as we are told to be strong to face life and its concerns, all the more should we be stronger in fighting death. It is not by surrendering but by making sure that everything, not only the medical options, but more importantly our values, are explored in order to direct us to the moral good. Thus, the fundamental moral option is human life, as long as it takes and whatever the costs.

Conclusion:

When is human life meaningful and when does it lose its meaning? It is important to answer this question when it comes the issue of mercy killing. The argument from conscience tells us strongly that life does not lose its meaning. The right to die, while based on liberal foundations, cannot be more powerful than the argument that suggests human life is inviolable and the respect that it deserves is never lost even if the person is terminally ill. The decision is not based on the idea of stewardship, which can be argued as weak, but on the moral principle that life must triumph over death. The overarching principle is that to be truly merciful, society must be compassionate to the terminally ill patient, and provide all the love and attention needed by this individual. This responsibility is not only personal but social as well for the response to the dying shows the kind of society we have.

Restricting care to patients because of their age is morally unacceptable. The reasoning that the scarcity of health care is a ground to decide as to who lives and dies is morally wrong. People must never be treated as dispensable objects. The utilitarian argument, this paper has shown, is weak because it is instrumentalist. It reduces the human being into an object and denies the dying person the respect it deserves. The bone of contention is that some families do not really want to liberate the dying from pain. Rather, many of us do not want the moral burden of having to care for the terminally ill. The argument from conscience is important in the euthanasia debate because it puts into context the discussion of the value and meaning of life. Life is precious and should never be considered as some kind of a problem that must go away by ending the existence of someone who is at our mercy.

ENDNOTES

- ¹ Christopher Ryan Baquero Maboloc is an Associate Professor of Philosophy at Ateneo de Davao University, Philippines
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- ⁴ J. Gay-Williams, The wrongfulness of euthanasia, in Daniel Bonevac, ed., *Moral Issues Today* (Boston: McGraw-Hill, 2002), 366.
- ⁵ Ibid.
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- ⁸ Franklin Miller and Diane Meier, Voluntary Death, in Thomas Mappes and Jane Zembaty, *Social Ethics* (Boston: McGraw-Hill, 2002), 99
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- ¹⁰ Ibid., 379
- ¹¹ William Rehnquist, Opinion of the Court in *State of Washington v Glucksberg*, in Thomas Mappes and Jane Zembaty, *Social Ethics* (Boston: McGraw-Hill, 2002), 96.
- ¹² Ibid.
- ¹³ J. Gay-Williams, The wrongfulness of euthanasia, 366
- ¹⁴ Ibid., 367
- ¹⁵ Ibid.
- ¹⁶ James Rachels, The morality of euthanasia, in Daniel Bonevac, ed., *Moral Issues Today* (Boston: McGraw-Hill, 2002), 370.
- ¹⁷ Ibid., 372

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