



**BPYG-171**

**Block 2**

**Ethical Debates**

---

## **Block Introduction**

---

**Block 2** “Ethical debates” comprises of six units. Units of this block deal with practical issues we are hearing, facing and debating from a long time. Every time we think that the dilemma has been resolved, the question has been answered, but next moment comes up with another issue that challenges our understanding and conviction related to that particular issue.

**Unit 5** “Euthanasia” aims at introducing students with the understanding of the concept of Euthanasia, contemporary debates and challenges around it.

**Unit 6** “Suicide” deals with the issue of suicide. This unit explores and discusses, analyses the meaning of life, philosophers’ views on suicide, ethical and philosophical arguments on suicide.

**Unit 7** “Reproductive Rights” deals with the subject matter of reproductive rights which consists in issues of choice, liberty, freedom, etc. which an individual has in deciding for themselves whether, when, with whome, and how to have a child.

**Unit 8** “Terrorism” tries to present the concept of terrorism, history of terrorism, causes and consequences of terrorism and ethical issues and problems of terrorism.

**Unit 9** “Capital Punishment” acquaints the students with the concept of death penalty or capital punishment. The unit tries to look at the definition of the term apart from its origins and arguments presented in support and against it.

**Unit 10** “Animal Rights” tries to explore the concept of animal rights, the possibilities of animal rights, traditional views on animal rights, argument in favor of animal rights.

---

## UNIT 5 EUTHANASIA\*

---

### Structure

5.0 Objectives

5.1 Introduction

5.2 Types of Euthanasia

5.3 Justification

5.4 Let Us Sum Up

5.5 Key Words

5.6 Further Readings and References

5.7 Answers to Check Your Progress

---

### 5.0 OBJECTIVES

---

The unit aims at introducing students with the understanding of,

- the concept of Euthanasia,
- contemporary debates and challenges around euthanasia.

---

### 5.1 INTRODUCTION

---

Euthanasia, comes under Applied Ethics, a branch of Philosophy that deals with the application of moral principles to practical life.

Applied Ethics or practical ethics came into use in the 1970's when philosophers began to address pressing moral issues in society and in professional ethics. Some common examples are abortion, euthanasia, racism, sexism, cloning, terrorism, unjust war, right to privacy among many others.

Many of the topics discussed in Applied ethics have their roots in ancient philosophy. Moral philosophers discussed these issues but they never got around to making or applying theories

---

\*Dr. Sudnya N. Kulkarni, Associate Professor, Department of Philosophy, Janki Devi Memorial College, University of Delhi.

of morality to practical issues. It is not clear whether Applied Ethics came about as a result of the challenges that were faced when moral philosophical theories were found to be wanting in their application.

Applied ethics developed because many individuals working in the fields of medicine, law, engineering, scientific research, business came across issues which seemed to be a kind of an abuse and unfair and directed at particular groups. The issues that were raised by the civil rights movement, women's rights, animal rights, environmental issues, the right of the prisoners, human rights, rights of mentally disturbed persons, all stimulated the imagination of the philosophers and non- philosophers alike. Thus, in the 1970's and 80's a lot of philosophers started to focus their studies around these issues and as a result a lot of books were published which reviewed moral philosophical problems/issues and applied ethics came to be considered as a separate sub domain in philosophy.

If one were to try and define applied ethics, one finds that it is best to understand it as a use of philosophical methods to treat moral problems, practices that may arise in professional domains.

As mentioned above we will now discuss Euthanasia as a topic from applied ethics. Euthanasia is defined by different dictionaries as painless killing of an individual who may be suffering from some debilitating condition, wherein death is in the interest of the individual. The term may raise different ideas in the minds of people like killing people who are weak, ill or not serving the society in a beneficial manner. Unfortunately, the term euthanasia has also been connected with the Nazi concentration camps, where millions were exterminated under the label of being from a different race/class. The Nazi concentration camps were a part of a governmental policy at that time, but euthanasia is not to be understood in any of these terms.

Euthanasia is to be understood as an act where one brings about the death of another individual or fails to prevent the death of the other individual simply, because he or she may in a close relationship with that individual either as a care giver or as a relation.

The word originated from Greek word meaning 'good death'. The Greeks, considered mercy killing or good death to be a rational act, if individuals felt their lives were no longer useful. In the Greek society, individuals who sought help of others to die was morally acceptable.

A classic example of euthanasia is of Socrates, who agreed to drink the hemlock (poison), knowing fully well it would bring about his death. The ancient Greeks and Romans did not

think that all human life had an inherent value. When they were faced with hopeless circumstances, they thought it better to end their lives.

In ancient Rome suicide was permitted, except for slaves, criminals and soldiers. According to the Roman scholar, Pliny the Elder (23-79AD) the ability to commit suicide was the greatest advantage given to humankind by God. The philosopher Seneca asserted that the right to choose suicide was an individual's decision and his right.

However, the *Hippocratic Oath* whose exact origins are not clear forbade the physicians from participating in any such acts that would lead to assisting someone's death. In other words, it denounced mercy killing and instead encouraged the physicians to take care of the patients.

If we look at gentle death or suicide across religions, then we find that all religions have denounced suicide, as life is considered to be a gift from God. If we look at the views of different religions, we find that Judaism resisted the medical assistance that the ancient Romans and Greeks provided to the suffering. In fact, in 1972 and in 1997 all branches of Judaism including 'reform Judaism' denounced assisted death as it was against Jewish values.

Christianity considered life to be a gift from God and any efforts on our part to end that existence whether through suicide or assisted means was considered to be a shameful act. This thought found resonance in Hinduism and Buddhism too. Even Islam and Sikhism reject the idea of suicide or assisted death.

After the Roman Empire collapsed, support for Euthanasia in the Middle Ages vanished and Medieval scholars like St Augustine, Duns Scotus, St. Thomas Aquinas all denounced suicide. As the influence of Christianity increased during the Middle Ages, the physicians began to develop a moral obligation to care for the patients.

The 16<sup>th</sup> and the 17<sup>th</sup> century witnessed a lot of upheaval in the fields of science and religion, yet the views of Christianity regarding suicide remained unchanged. It is in the 16<sup>th</sup> century that one finds a reference and perhaps the first usage of the term Euthanasia in the works of Thomas More (1438-1535), Lord Chancellor to Henry the 8<sup>th</sup>, who mentioned it in his work Utopia. He referred to an ideal island where people who were suffering from a life of disease and physical torture could escape from it by allowing someone to administer poison.

The other reference to the word Euthanasia was found in the works Francis Bacon (1561-1626). He was first in history to use this word after the Roman historian Suetonius in its etymological meaning. It is only from late 19<sup>th</sup> century to date that Euthanasia has been used as signifying mercy killing or medically assisted suicide.

---

## 5.2 TYPES OF EUTHANASIA

---

Euthanasia is broadly divided into three main types-

1. Voluntary
2. Involuntary
3. Non-Voluntary

As well as into active and passive.

Cases of euthanasia can be divided into active and passive. The distinction is often made on the basis of whether the person is allowed to die or is killed, determines whether it is active or passive euthanasia. In active euthanasia a person directly or deliberately causes or brings about a patient's death. Thus, active euthanasia involves a direct action. In contrast, passive euthanasia involves an act of omission on the part of the agent. In other words, the patient is allowed to die. No intervention is done in passive euthanasia. Some thinkers have argued that it is better to allow a patient to die by withholding treatment rather than by actively participating in it through a deliberate or wilful act.

Some thinkers hold the view, that there is no real difference between active and passive euthanasia. The reason being, not making a choice and allowing things to progress naturally and deliberately choosing to stop a treatment are both, two sides of a coin. Some philosophers, like James Rachels and Simon Blackburn have argued that active euthanasia is better, as it is better, and less painful for the patient. They both stated, that the difference between active and passive euthanasia is not helpful and in fact boundaries between them are often blurred. Thus, both active and passive euthanasia are examples of failing in one's duty towards another person. One must however remember that just as there is no single duty of care, likewise there is no single duty of non-interference. Duties of care are not by and large impersonal in nature and often times they are dependent on inter-personal relationships which are difficult to categorize.

Another way of classifying euthanasia is dependent on the weightage that should be given to the wishes of different individuals. It is this expression of wishes that, leads to the three- fold distinction between voluntary, involuntary and non-voluntary euthanasia.

**1. Voluntary Euthanasia** occurs at the request of the person who expresses a desire to die.

The person may do so-

- \* By refusing medical treatment
- \* Asking for medical treatment or life support to be withdrawn or switched off
- \* Refusing to eat
- \* Simply deciding to die
- \* Asking for help with dying

Thus, there are a whole range of cases to be considered under voluntary euthanasia that may involve suicide committed alone without anyone knowing about it, another case where the second person knows about it but does nothing to prevent it or cases where suicide is assisted or even those cases where the killing is carried out by another because the person is unable to do it on one's own.

All these examples show that the onus of responsibility on the care giver regarding the loss of life cannot be taken lightly and there are no right answers to justify the loss of life.

**2. Involuntary Euthanasia** occurs when the person killed is capable of consenting to his or her own death, but does not do so, either because they are not asked, or because that person is asked and yet decides to go on living. In an active involuntary case of euthanasia, where the person has not waived or cannot waive the duty of non-interference, then any reasons for killing that person must demonstrate that the circumstances favoured overruling the duty of non-interference.

In involuntary passive euthanasia the process of prolonging the patient's life may be more painful because the patient may not have expressed a wish to die. The negative duty of not interfering will not be applicable here, but the duty of care will have to ensure that the person is not left to die.

It is apparent that there are no specific criteria or rules which state what duty of care and non-interference involve.

**3. Non- Voluntary Euthanasia** occurs when the person is not in a position to make a meaningful choice between living and dying and an appropriate person takes the decision on their behalf. This can happen due to a number of reasons-

- \*The person is in coma
- \* The person is too young (child)
- \* The person is senile
- \* The person is mentally challenged or brain damaged or mentally disturbed

Here, one could consider examples of a person on a life support machine. The challenge in such a situation is when to turn off the machine?

The case of a healthy baby who has severe mental disability may make the parents think that it is better for the baby to die as the life of the baby will be severely compromised or they are not in a position to take care of it. All of these issues do point out the duty of care that parents have towards their children yet, again a matter for which there are no clear answers available. Killing and letting die, whether in active or passive euthanasia, voluntary/involuntary/non-voluntary are distinctions that help in comprehending the differences. These distinctions do not provide solutions regarding different kinds of euthanasia. These distinctions are just pointers and in different types of situations different considerations will apply.

### **Check Your Progress I**

**Note: a) Use the space provided for your answer.**

**b) Check your answers with those provided at the end of the unit.**

1. Give a brief description of Euthanasia?

-----  
-----  
-----



-----  
-----  
2. How many types of Euthanasia are there? Briefly define each of them?

-----  
-----  
-----  
-----  
-----

3. State the primary reason as to why euthanasia did not find favour with different world religions.

-----  
-----  
-----  
-----  
-----

*In all of the above of types of euthanasia, a basic assumption is made that death is in the interest of the individual. This brings us to the question of what weightage should be accorded to a person's wishes and also the role a care giver or person assisting with euthanasia plays.*

In **Voluntary** euthanasia one is dealing with a case where the person carrying out the act of killing has been absolved of this duty by the desires of the person who wants to die. The question regarding the responsibility of the person who brings about the death of the other is brought out into the open and whether he or she can justify the loss of life. Such, questions unfortunately have no general answers.

In the case of **Involuntary or Non-voluntary** euthanasia, where the person has not given the consent or is not in a position to give their consent, the care giver has to demonstrate that the justification for killing is in the interest of the person.

Another aspect of Euthanasia that is discussed is **Indirect euthanasia**. This involves providing treatment usually to reduce pain that has the side effect of speeding the patient's death. Since the primary intention is not to kill, this is seen by some people as morally

acceptable. This is the doctrine of **Double Effect** – which states that if doing something morally good has a morally bad side effect it is ethically permissible to do it provided the bad-side effect wasn't intended. This is true even if one saw that the bad-effect would probably happen. Factors that are involved in the doctrine of Double Effect are-

\*The good result must be achieved independently of the bad result. In other words, bad result cannot be the means to achieving the good result.

\* The action must be proportional to the cause, in other words, the action must yield a good result.

\* The action must be appropriate, so far as giving the right medicine to the patient is concerned

The patient's condition must be terminal

There are however difficulties with the doctrine of **Double Effect-**

#Death is not always bad, so double effect is irrelevant.

#Double effect can produce an unexpected moral result, namely that the doctor who hastens the death of a patient is a better doctor than one who only wants to treat or relieve the pain of the patient.

#We are responsible for all effects or consequences that may come out of our actions. We cannot just choose the effects that suit us.

---

## **5.3 JUSTIFICATION**

---

We will now consider some of the arguments that have been given for and against Euthanasia.

### **FOR** –

\*Advocates of euthanasia argue that the patient has the right to make the decision about when and how they should die. This is based on the principle of autonomy and the right of an individual to his life and his /her body.

\* Another argument that is given in support of euthanasia is the argument from mercy. The argument is very simple. Terminally ill patients sometimes suffer so much pain and suffering

that it is better to end that through euthanasia. The advocates for euthanasia give utilitarian argument to support their stand. The utilitarian had argued that any action is morally right if it serves to increase the amount of happiness in the world or reduces the misery in the world. Conversely, an action that increases misery or suffering is morally wrong.

\* An action that allows killing of persons at their request reduces the misery of the patient. Therefore, such a policy is right.

So far as, voluntary active euthanasia goes this argument of the utilitarian may work, for it violates no one's rights and also promotes the best interests of everyone.

### **AGAINST-**

\*The argument that is given against euthanasia centres around the principle of sanctity of human life. Human life is to be respected and preserved. Euthanasia allows intentional killing of another person.

\*It allows the abuse of the autonomy and human rights. A person who is not in a position to decide for his/her life is allowed to be killed, therefore euthanasia contravenes life.

\*If euthanasia is legalised, it may lead to social abuses and the society may be confronted with a slippery slope argument ("In a slippery slope argument, a course of action is rejected because, with little or no evidence, one insists that it will lead to a chain reaction resulting in an undesirable end or ends. The slippery slope involves an acceptance of a succession of events without direct evidence that this course of events will happen." <https://www.txstate.edu/philosophy/resources/fallacy-definitions/Slippery-Slope>)

\* The role of palliative care ("Palliative care is an approach that improves the quality of life of patients (adults and children) and their families who are facing problems associated with life-threatening illness. It prevents and relieves suffering through the early identification, correct assessment and treatment of pain and other problems, whether physical, psychosocial or spiritual." <https://www.who.int/news-room/fact-sheets/detail/palliative-care>) gets undermined and also the possibility of miraculous cures.

\* Euthanasia gives the caretaker an opportunity to have an easy escape from his/her responsibilities.

\* We humans have a natural inclination to fight for our survival. Euthanasia and its practice go against this natural inclination.

### Check Your Progress II

**Note: a) Use the space provided for your answer.**

**b) Check your answers with those provided at the end of the unit.**

1. State the reasons given in favour of euthanasia.

-----  
-----  
-----  
-----  
-----

2. What is meaning of double effect?

-----  
-----  
-----  
-----  
-----

3. State the arguments against euthanasia.

-----  
-----  
-----  
-----  
-----

---

## 5.4 LET US SUM UP

---

Thus, in this unit we have examined the definition of euthanasia, its historical origins and the way suicide was looked at by different religions. We have examined the different kinds of euthanasia and the various distinctions that are made. These distinctions are not water tight compartments but different perspectives of analysing euthanasia, as an area of applied ethics.

Each argument, statement highlights the different terminologies and interpretations that euthanasia has acquired with the passage of time.

---

## 5.5 KEY WORDS

---

**Active euthanasia:** means a person directly or deliberately causes or brings about a patient's death. Thus, active euthanasia involves a direct action.

**Double Effect:** states that if doing something morally good has a morally bad side effect it is ethically permissible to do it provided the bad-side effect wasn't intended.

**Euthanasia:** is defined by different dictionaries as painless killing of an individual who may be suffering from some debilitating condition, wherein death is in the interest of the individual.

**Passive euthanasia:** involves an act of omission on the part of the agent. In other words, the patient is allowed to die.

---

## 5.6 FURTHER READINGS AND REFERENCES

---

- Dowbiggin, Ian. *A Concise History of Euthanasia: Life, Death, God and Medicine*. Inc: USA: Rowman and Littlefield Publishers, 2007.
- Ebramini, Margus. "The Ethics of Euthanasia". *Australian Medical Journal*, 3:73-5.
- Nuttall, John. *Moral Questions: An Introduction to Ethics*. Cambridge: Polity Press, 1993.
- Rachels, James and Rachels, Stuart. *The Right Thing to Do: Basic Readings in Moral Philosophy*. New-York: McGraw-Hill International Edition, 2015.

---

## 5.7 ANSWERS TO CHECK YOUR PROGRESS

---

### Check Your Progress I

1. Euthanasia is painless killing of another individual who may be allowed to die or killed as it may be in the interest of the individual.
2. Euthanasia is broadly divided into active and passive

Voluntary/ involuntary/ non-voluntary. Apart from this another distinction involves direct and indirect euthanasia.

3. The primary reason that euthanasia did not find favour with different world religions is because these religions have all looked at life as a gift from God. If we take away the life of an individual we are disregarding or violating God's dictum.

### **Check Your Progress II**

1. The arguments given in favour of euthanasia are that it respects the autonomy of the individual. The right over one's body and what happens with it is decided by the person. Further, by allowing one to make a choice the process of suffering from terminal illness can be reduced.

2. Double effect is when one does something morally good leads to a bad side effect.

3. Euthanasia and its practice allows for devaluing human life. It allows the care giver to escape from their responsibilities. It takes away hope from the patient and a belief that there could be a miraculous cure.

---

## **UNIT 6      SUICIDE\***

---

### **Structure**

6.0 Objectives

6.1 Introduction

6.2 Value of Life

6.3 Meaning of Suicide

6.4 Philosophers on Suicide

6.5 Moral Consideration of Suicide

6.6 Suicide and its Causes

6.7 Is Suicide Rational or Irrational?

6.8 Arguments for and against Suicide

6.9 Analysing Suicide: Duty Based Perspective

6.10 Let Sum Up Philosophical Positions - In Favor or Against

6.11 Suicide: The Necessity for Rethinking

6.12 Let Us Sum Up

6.13 Key Words

6.14 Further Readings and References

6.15 Answers to Check Your Progress

---

### **6.0 OBJECTIVES**

---

The main objectives of the unit are,

---

\* Ms. Arushi Singhal, Doctoral Research Scholar, Department of Philosophy, University of Delhi.

- to discuss meaning and causes of suicide,
- to elaborate the arguments presented by various philosophers,
- to discuss ethical and moral considerations of suicide,
- to elaborate duty based perspective.

---

## 6.1 INTRODUCTION

---

Throughout history, suicide has attracted the attention of societies of all ages and continues to receive mixed reactions like anger, distress, anxiety, tension, fear, and sadness. Today, it is considered a major public health problem that should be addressed scientifically. Moreover, suicide is not only a psychological and psychiatry study but is also an object of sociological anthropological study. As the topic of suicide is supposed to be examined from the applied ethics perspective so the focus of the study would be on the issue: whether suicide is morally permissible or not.

The analysis of this issue is important as the topic contains ethical debates regarding its permissibility or impermissibility. There are several views of philosophers regarding the permissibility and impermissibility of suicide for different reasons. Thus, to examine the ethical debates involved in suicide we must need to explore philosophers' views on suicide. But first, it is important to know how the value of life is relevant to the current topic.

---

## 6.2 VALUE OF LIFE

---

The term 'value' means anything that satisfies human wants or desires. Value in ethics can be defined in terms of the ultimate *summum bonum* (the highest or ultimate good) of life rather than in terms of the preservation of life. The preservation of life is not good in itself, good or valuable.

In religion and ethics, the sanctity of life is a principle of protection or security applied to living beings. In simple words, it implies that human life is precious and created by God. Thus we must value life. The doctrine of the sanctity of human life has been broken into two separate claims: a) there is a special value in the life of a member of our species. b) There is a special value in the life of a person. According to this doctrine, the rules must not be violated and one ought to value his/ her life.



A self-conscious being is aware of itself as a distinct entity with past and future. Such a being is also capable of having desires about his future. e.g. a professor of philosophy may hope to write a book demonstrating the objective nature of ethics.; a student may look forward to becoming a graduate. Personal experience, as well as media coverage, have given many reasons in our society to fear the prospect of brutalizing and painful death. Besides, suicide has often been seen as an offense, a unique form of transgression and, an insult to god. It also violates the principle rule of the sanctity of life. This is the reason, a discussion on the value of life in the topic of suicide is considered important.

---

### **6.3 MEANING OF SUICIDE**

---

The term 'suicide' comes from two Latin root words "sui" (of oneself) and "cidium" (killing/ slaying or slaughtering) i.e. killing of oneself. Suicide is defined medically as an act of killing oneself intentionally and voluntarily. In suicide, the conditions causing death are self-arranged. In other words, it can be said that the killing is intentional which is motivated by psychological and mental factors.

Morally speaking it is a debatable issue whether or not suicide should be permissible. The reason being suicide is seen as a means to relieve what is considered interminable pain. On the contrary, it violates the principle value of life. Various philosophers have different views on suicide. Some have an agreement in favor of suicide and some condemn suicide. In the next section, I would like to mention philosophers' views on suicide.

---

### **6.4 PHILOSOPHERS ON "SUICIDE"**

---

Suicide has been getting attention from Ancient and classical philosophers starting from Plato to Immanuel Kant. Every philosopher who belongs to this tradition has different views on suicide. Philosophers like Plato and Aristotle reject the idea of suicide and they have several reasons for disapproving of suicide. However, some philosophers from the Stoic tradition accept the idea of suicide. Thus, an ethical debate can be seen from different points of view by different philosophers. In this section, I would like to mention some of the philosophers' views that will help in broadening our understanding of the topic of suicide.

Plato discussed suicide in two of his works i.e. 'Phaedo' and 'Laws' where he opposes suicide and believes that "suicide is always wrong since it "frustrates the decree of destiny". He said that 'God's are guardian' and we are a possession of theirs....then there is a reason

for saying that a man should wait and not take his own life until God summons him. In addition to Plato's statement, Aristotle also opposed suicide by saying that it is 'contrary to the role of life'.

Some of the later Greek and Roman philosophers approved of suicide as a means of ending suffering. A Stoic Philosopher Epictetus endorses suicide. He maintains that "death by one's hand is always an option and frequently more honorable than a life of misery." Epictetus (Discourse I.24.20) holds that suicide is ethically acceptable but only under 'extreme circumstances'. He explains it by using an analogy of a house on fire, full of smoke: "Don't believe your situation is genuinely bad – no one can make you do that. Is there smoke in the house? If it's not suffocating, I will stay indoors; if it proves too much, I'll leave. Always remember the door is open." Thus, the choice is ours. The analogy implies if one truly thinks that the situation is uncontrollable like smoke in the room then the door of death is always open. But if you can bear the pain then live a life that is worth living. However, George Lyman Kittredge maintains that "suicide is cowardly and wrong." The principle moral theme of Stoic philosophy is that we should resign ourselves to whatever fate has in store for us but when things get too intolerable we may wish to end our lives.

David Hume in his unpublished essay (*of Suicide*, 1783) points out that 'suicide focuses on whether suicide violates the duties of God. e.g. he says, as a rule, God has given us the liberty to alter nature for our happiness and suicide is an instance of altering the course of nature for our happiness. Therefore suicide does not violate god's plan. Hume while making this statement uses 'autonomy' and human freewill as a reason to support the idea of suicide. e.g. if a person is unhappy with his life, and God has granted us freewill then the person has a right to end his/her life. If the person feels that he is not obligated towards society and his happiness lies in ending his life then he must commit suicide. Committing suicide does no harm to society.

Immanuel Kant (*The Metaphysics of Morals*, 1797) argues that suicide is wrong as man is God's property and they have no right to end their own life. He believes that suicide degrades our inner world. Suicide is disrespectful to an agent's duty to himself. For Kant, suicide is immoral because it is a violation of humanity. Therefore, self-preservation is our highest duty to ourselves and everyone may treat their body as they please. Further, Kant states "Not to commit suicide is a perfect duty" and action must be motivated by self-preservation.

As we can see, philosophers have different points of view on suicide and the reasons for their approval and disapproval are not similar. One thing that can be noticed here is that philosophers who are in a favor of suicide also values life. But their support on ending life came when the person is suffering in life. Then only, committing suicide is the only way to end suffering.

### **Check Your Progress I**

**Note a) Use the space provided for your answer.**

**b) Check your answers with those provided at the end of the unit.**

1. What is Suicide?

-----  
-----  
-----  
-----  
-----

2. What are the two reasons given by Kant for rejecting the idea of suicide?

-----  
-----  
-----  
-----  
-----

---

## **6.5 MORAL CONSIDERATION OF SUICIDE**

---

### Moral Permissibility

The central question on the topic of suicide is regarding its moral permissibility and impermissibility. i.e.

- Are there any conditions under which suicide is morally acceptable, and if so, then what are those conditions?
- Is the decision of committing suicide considered rational or irrational?

The questions are important to examine however several viewpoints by philosophers have already been mentioned in the previous section. But the above discussion lacks some detail about human's rational behavior. Thus, the examination of moral theory that focuses on autonomy and whether the decision of taking one's own life is rational or irrational is required.

To conclude the act of suicide is rational or irrational is dependent upon the positive and negative results of the proposed act of suicide. But before that, it is important to discuss the causes of suicide to understand human nature and the reason why an individual wants to end his/her life.

---

## **6.6 SUICIDE AND ITS CAUSES**

---

Every individual who attempts suicide will show some warning signs in the day, weeks, or months beforehand. Suicide is the outcome of neurological and psychological breakdown. Becoming suicidal is a process that begins with severe stress and pain generated by a serious life crisis. Suicidality occurs when the stress brings psychological pain so unbearable that death is seen as the only relief. Before this point, the individual is at risk of becoming suicidal and is in a crisis that causes traumatic stress. Suicidal individuals manifest various chemical imbalances.

### **6.6.1 Warning Signs**

Conditions associated with an increased risk of suicide.

- Death or terminal illness of relative or friend.
- Divorce, separation, broken relationships, and stress in the family.
- Loss of health (real or imaginary).
- Loss of - job, home, money, status, self-esteem personal security.
- Alcohol or drug abuse.
- Depression or stress.
- The Individual himself is critically ill.

Emotional and Behavioral Changes associated with suicide

- Neglect of personal welfare deteriorating physical appearances.

- (Particularly in the elderly) self-starvation, dietary mismanagement, disobeying medical instructions.
- Previous suicide attempts, “mini attempts”.
- Hopelessness- the feeling that the pain will continue or get worse, things will never get better.
- Powerlessness- the feeling that one’s resources for reducing pain are exhausted.
- Feeling of worthlessness- shame, guilt, self-hatred, “no one cares”.
- Declining performance in school, work, or other activities.
- Social isolation.

So these are some causes and conditions of suicide when a person desire to end his life. Through the emotional and behavioral changes, a person’s family or friends can stop his act of suicide.

---

## **6.7 IS SUICIDE RATIONAL OR IRRATIONAL?**

---

R Brandt (1980) and J Glover (1990) acknowledge individual different factors of committing suicide that also affect the individual’s family. Brandt asserts that committing suicide based on distress or depression is considered irrational and is morally impermissible. The reason to be considered suicide as an irrational act is because there are high chances in the future that the situation of stress and depression will improve. Therefore, the decision of ending life seems premature.

The only act of suicide is considered rational when a person is critically ill. The thinking behind this view is that the person who is suffering pain thinks negatively all the time. He has a sense that he will not be well in the future. Due to his unbearable pain, he loses his faith in life and the only solution he finds is to commit suicide. However, many would refute this view because they believe that life’s intrinsic value is not dependent on individual suffering.

### **Check Your Progress II**

**Note a) Use the space provided for your answer.**

**b) Check your answers with those provided at the end of the unit.**

1. Who is at risk for suicide? Mention four major risk factors of suicide.

-----  
-----  
-----  
-----  
-----

2. What are the warning signs of suicide?

-----  
-----  
-----  
-----  
-----

---

## **6.8 ARGUMENTS FOR AND AGAINST SUICIDE**

---

The ethical analysis on suicide is classified into five categories: argument of respect for life, the argument from the theological position, the principle of autonomy, the principle of duty to others, and the utilitarian position. All the arguments can be considered philosophical and ethical as the topic of suicide requires philosophical examination that will help in broadening our understanding of the issue. The detailed examination of the arguments are as follows:

### **6.8.1 The Argument of Respect for Life**

The simple point here is that human life is sacred as discussed in the doctrine of the sanctity of life. Life deserves respect and one should live life fully. No one has the right to end his life. According to this argument, suicide is viewed as impermissible in the case of taking life intentionally. Despite this, PR Baelz (1980) discusses some situations like self-defense where killing oneself is morally permissible. There is also one condition where suicide may be morally permissible by accepting the exception to the principle of respect for life. for example, when a person is ill and ‘he knows that he won’t survive for many days and till the time he survives, he will be in pain.’ So in this case suicide is acceptable and justifiable, according to Baelz.

### **6.8.2 The Argument from the Theological Position**

According to Christian religious tradition, suicide is impermissible. Two general categories of this argument discussed in the Christian tradition are as follows:

- 1) Suicide violates the natural law order created by God by which human existence is possible. This natural law can be seen as a) natural causal laws, i.e. suicide violates the causal order of human existence, b) teleological laws i.e. all sentient beings secure themselves in every condition to live a happy life and, c) the laws governing human nature and according to this law suicide is unnatural. These three natural laws are no longer a discussion in philosophy as the criticism is given by Hume and others. The main criticism against the natural law argument is an act of religious martyrdom where a person in the name of religion or religious rituals sacrifices himself. The act of religious martyrdom is not condemned in religion. Thus, prohibition on suicide (going by this criticism) seems arbitrary and illogical.
- 2) The second general argument is based on the analogies concerning the relationship between God and humanity. One famous analogy discussed by Thomas Aquinas and John Locke is that humans are God's property and suicide is wrong.

This statement seems weak because if humans are god's property then the statement violates the concept of free will which is granted by God to humans as mentioned in sacred books.

### **6.8.3. Principle of Autonomy**

The principle of autonomy implies that humans are autonomous. They are free to take any decision and have the liberty to act on those decisions without limiting themselves. According to this principle, suicide is morally permissible as the decision taken by a human is considered an autonomous decision. Considering the principle of autonomy, the moral permissibility of suicide does not apply to those individuals who are unable to make an autonomous decision.

David Hume in his essay (*Of Suicide*) defends the position of suicide by saying suicide is an honorable act. Hume's position is based upon the principle of autonomy. He discussed some conditions where suicide is permissible and depends on the individual's interest or family. For example, a spy wants to kill himself after capturing by another country to avoid revealing secrets. Hume asserts if the spy doesn't kill himself then he will be in pain for the rest of his life. So, according to the principle of autonomy, suicide is morally permissible.

#### **6.8.4 Principle of Duty to Others**

The principle of duty to others rejects the idea of suicide. MPBattin (1996) argues in favor of suicide prevention as her belief is based on the principle of duty to others. She states that if an individual rationally decides to end their life then ‘paternalistic intervention’ is morally impermissible. Though there are some cases a duty to others makes suicide morally impermissible (p. 143). For example, a man is terminally ill and desires to kill himself but his wife has a religious belief against suicide. In this situation, a short-term interference of his wife is permissible. As his wife considers it necessary to assess her husband's mental illness by providing treatment and counseling. But after a shortspan if a man still desires to end his life then to stop him or intervene in his suicide is considered wrong as it violates the principle of autonomy.

#### **6.8.5 The Utilitarian Position**

J.S. Mill, a utilitarian philosopher, states that ‘prevention of suicide is never justified after an initial attempt has been made to find the cause.’ It is the right of a person to do what he pleases to do. Mill favors temporarily intervening to know the decision of suicide is intentional and made after adequate knowledge. Once the intention, as well as the individual’s rationality, is clear about the situation then there is no point in intervening. Mill states that a person can act what he wants to do whether it is a case of suicide. Independence and personal freedom are the two significant rights that society must aim to preserve. The person who wants to commit suicide weighs the pain and harm with his satisfaction of ending his life. The person must act according to the pleasurable consequences he is getting from the act. Mill’s view on suicide is inspired by the utilitarian principle i.e. pleasure or happiness is the only thing that has truly intrinsic value.

---

### **6.9 ANALYSING SUICIDE: DUTY BASED PERSPECTIVE**

---

To this point, we have come across that philosophers have mixed views and arguments on suicide regarding its moral permissibility and impermissibility. In this section, we will address this issue from a ‘moral duty’ perspective i.e. whether moral permission to involve in an individual's suicidal behavior exists. It is one of the significant issues as it has dominated the whole ethical discussion of suicide. It seems that there are lots of agreements and



disagreements on the topic of suicide but the moral permissibility of suicide gives us a vision that suicide violates no moral duty.

Libertarians hold that suicide is morally permissible because individuals have a 'right to suicide'. (It does not mean that suicide is rational). They believe that the right to suicide is a *right of non interference* that others have no right or they are morally barred from intervening with suicidal behavior. Some libertarians have a stronger claim than the above that suicide is a *liberty right* and individuals have no moral right to give up suicide. i.e. suicide violates no moral duties. They state that other has no right to intervene in suicide but they are morally obliged in assisting suicide. They believe in the right to suicide. It implies that human have their bodies and hence they are morally permitted to dispose of their body according to their desire. In this argument, the body is treated as property or owning a material thing. e.g. possessing wrist watch means a person has a right to wear it, use it, or dispose of it as he wishes, similarly having a right to our body permits us to dispose of it as we want.

Considering utilitarians, then some utilitarians measure all the possibilities that show the good consequences of suicide outweigh the bad consequences. This measurement leads to suicide as an admirable act and gives us an impression of morally obligatory. Suicide may consider sometimes as an honorable act in case it is committed for other-regarding or other well-being. For altruistic reasons, suicide is considered honorable. For example, an act of martyrdom, where a soldier is jumping on a grenade to save his battalion.

Utilitarians hold that it is our moral duty to maximize happiness and if an act of suicide will produce more happiness than living a sad life then suicide is not only morally permissible but morally required. Therefore, only utilitarians believe that suicide is a moral duty if the decision to commit suicide is taken wisely.

However, an important question is raised here: Whether an act of suicide is virtuous or vicious. Under what condition does an act of suicide display virtues such as courage, generosity, or justice? And under what conditions does an act of suicide show vices like cowardice, selfishness, or rashness? These are some important questions to think about and there is no particular answer to these questions. As we have seen the philosophical and ethical arguments, and ethical debate by referring to philosophers' views, one thing is clear that there are no final answers to these questions. The opinion is based on subjective as well as rational thinking of an individual to decide whether an act of suicide is a morally good or bad act. If referring to an argument of autonomy then it is our freewill to act whatever an individual

wants. On the contrary, if referring to the doctrine of the sanctity of life then one should value his or her life and live the life fully. These are the two contrary views that one deals with in our day-to-day life and exist in this world. There are several views I already discussed above that will help an individual to decide what is his take on the moral permissibility and impermissibility of suicide.

---

## 6.10 LET SUM UP PHILOSOPHICAL POSITIONS ON SUICIDE- IN FAVOR OR AGAINST

---

<b>In favor of Suicide (Morally Permissible)</b>	<b>Against suicide (Morally Impermissible)</b>
<ul style="list-style-type: none"> <li>• Epictetus supports suicide and states that suicide is more honorable than a life of misery.</li> <li>• Hume approves of suicide and maintains that God has given us free will to alter nature for our happiness.</li> <li>• Brandt believes the only act of committing suicide is rational and morally permissible when a person is terminally ill.</li> <li>• Baelz points out that killing oneself in self-defense is morally permissible.</li> <li>• Libertarians believe that individuals have a right to suicide therefore suicide is permissible.</li> <li>• Utilitarians are in favor of suicide and maintain that if the good consequences of suicide outweigh the bad consequence then one should commit it.</li> </ul>	<ul style="list-style-type: none"> <li>• Plato asserts suicide is wrong since it frustrates the decree of destiny.</li> <li>• Aristotle condemns suicide by saying suicide is contrary to the role of life.</li> <li>• G. L. Kittredge holds suicide is cowardly and wrong.</li> <li>• Kant holds that suicide is immoral as it violates humanity.</li> <li>• Brandt and Glover have a view that committing suicide based on stress and depression is considered morally impermissible and irrational.</li> <li>• Theologians deny suicide as it violates the causal laws and breaks the relationship between God and humanity.</li> <li>• Battin says that individuals have a duty to others and that makes suicide impermissible.</li> </ul>

---

## 6.11 SUICIDE: THE NECESSITY OF RETHINKING

---

So far we have seen the ethical and philosophical positions on suicide. Suicide, in general, is such a relevant topic because people in this world face momentary difficulties, stressful situations daily. There are a lot of people who decide whether they want to commit suicide or not. As above mentioned different views, it is now clear that there is no specific answer for whether one commits suicide or not. But what we can discuss here is some general precautions by a family or friend to prevent suicide. Sometimes the decision of suicide is taken in a haste manner and the stress or the difficult time is momentary. In that case, the other person needs to take extra care and calm the person down who is planning to commit suicide.

If the person seems stressed and you know that he is in a mode of committing suicide, then do not leave them alone. If the means are present like any sharpened object, poison, rope, cloth then try to get rid of them. Today it is possible to predict and prevent suicide. Traditionally in India family bonds were strong and due to its rich and robust culture, community support, as well as faith in religious teachings that were deeply ingrained, it is promising to stop the suicidal act.

Although some of these values may be eroding, they continue to provide strong moral support in times, of mental, physical, and social adversity. According to WHO, 1999 reports, worldwide 1 million people died by committing suicide. As per section, 174 of the Indian code of criminal procedures every intentional death has to be investigated unless otherwise proved. The law makes it mandatory for suicide to be investigated by the police authority and judgments to be delivered by judges.

This leads to a situation where hospitals refuse to admit persons who have attempted suicide and even if such patients are admitted, it is for unrelated reasons. This leads to gross under-reporting, refusal to help the affected persons, increased stigma due to police visits, and concealment of the facts all of which receive proper medical or psychiatric help. India needs to re-examine such laws. Attempts should be made to remove stigma, punishment, offenses, and make the system people-friendly.

All health professionals, NGOs, and even faith healers, spiritual leaders, educationists should be involved in suicide prevention activities at the community level. They can play a positive role in identifying suicidal thoughts, behavioral, depressive states and offer emotional support to people who are at risk of attempting or committing suicide. The media has a key role to play in such an endeavor. Unfortunately, suicidal people are afraid that trying to get help may bring them more pain being told they are stupid, foolish, sinful, or manipulative.

### **Check Your Progress III**

**Note a) Use the space provided for your answer.**

**b) Check your answers with those provided at the end of the unit.**

1. Why suicide is impermissible by referring to the argument of theology?

-----  
-----  
-----  
-----  
-----

2 State some precautionary measures to prevent suicide.

-----  
-----  
-----  
-----  
-----

---

## **6.12 LET US SUM UP**

---

As the above mentioned discussion on suicide indicates that suicide has been and continues to be an affluent field of philosophical investigation. Recent advancement in medical technology has diverted philosophical attention to euthanasia and physician-assisted suicide rather than suicide motivated by psychological anguish. Nowadays scholars and academicians are working in the field of applied ethics and their study is based on the critical examination of euthanasia rather than ‘suicide alone’ that is driven by emotional and mental factors. Everyone needs to understand people’s psychology, their emotional behavior and

should realize that love, care, respect, compassion, and empathy is the only way to stop or prevent suicide that is motivated by psychological factors.

Not only the topic of suicide is worthy of philosophical reflection in itself but it is a source of insight for several philosophical subdisciplines i.e. social and political philosophy, ethical theory, moral psychology, and action theory. Suicide is an area where philosophers' views clash and an ethical debate can be seen that leads to philosophical interest and examination of the topic.

Conclusively, suicide is a very big issue in today's era. Though many applied ethics issues have emerged in this area. Recently the issue of the moral permissibility of suicide has a long history of philosophical discussion and it continues to be so.

General Remark – Human life is valuable and all the sufferings are temporary. One needs to realize that the hardships are not permanent and they shall pass. Thus, the decision of ending a life ought not to be the final decision to get relief. Life is full of challenges and we need to face all the difficult situations. Ending life is not the solution but living life with full effort should be the motive of an individual. Committing suicide only relieves oneself pain but the pain family and friends will get after the person's suicide is inexplicable. Therefore, before deciding to commit suicide, always think about your duties, responsibilities, and the pain you are trying to give your close ones.

---

### 6.13 KEY WORDS

---

**Autonomy:** It is a state or condition of self-governance or leading one's life according to one's values, desires, or reasons.

**Duty:** a moral or legal obligation where one has to be required to act according to one's job.

**Ethics:** It is a branch of philosophy that deals with moral principles.

**Morality:** Principles concerning the distinction between good and bad or right and wrong behavior.

---

### 6.14 FURTHER READINGS AND REFERENCES

---

- Aquinas, St. Thomas. *Summa Theologica*, in *Basic writings of Saint Thomas Aquinas*, Anton Pegis (ed.). New York: Random House, 1945.
- Aristotle. *Nicomachean Ethics*. Roger Crisp (trans.). Cambridge: Cambridge

University Press, 2000.

- Baelz, PR. “Suicide: Some Theological Reflections”, In *Suicide: The Philosophical Issues*, (ed. Battin MP, Mayo D). St. Martin’s Press, 1980.
- Battin, MP. *The Death Debate: Ethical Issues in Suicide*, pp.137-158, Prentice-Hall, 1996.
- Brandt, R. “The Morality and Rationality of Suicide”. In *A Handbook for the Study of Suicide*, S. Perlin (ed.) Oxford: Oxford University Press, 1975.
- Glover, J. *Causing Death and Saving Lives*. London: Penguin, 1990.
- Hume, David. *Of Suicide*. New York: Penguin, 2005. (Available Online).
- Kant, Immanuel. *Metaphysics of Morals*, M. Gregor (trans.). Cambridge: Cambridge University Press, 1996.
- Locke, John. *Second Treatise of Civil Government in Locke’s Two Treatises of Government*. Cambridge: Cambridge University Press, 1960.
- Mill, JS. *On Liberty*. In *Essential Works of John Stuart Mill*. Bantam, 1961 [1859].
- Plato. *Phaedo*. David Gallop (trans.). Oxford: Oxford University Press, 1975.

---

## 6.15 ANSWERS TO CHECK YOUR PROGRESS

---

### Check Your Progress I

1. Suicide is when people harm themselves to end their life and as a result, they die. The meaning of suicide is different from the attempt to commit suicide as the person tries to harm oneself to end their life but they do not die. Suicide includes the act of intentional or voluntarily killing.

2. Kant rejects the idea of suicide because he believes that man is God’s property and they have no right to end their life. Another reason is that suicide degrades our inner world. Suicide is disrespectful to an agent's duty to himself. It is a violation of humanity. Therefore, self-preservation is our highest duty to ourselves and everyone may treat their body as they please.

## Check Your Progress II

1. People of all ages, genders and, social or cultural groups can be at risk for suicide.

Four main risk factors for suicide are:

- Exposure to family violence, including physical or sexual abuse.
- Depression, other mental disorders, or substance use disorder.
- A history of suicide attempts.
- Stressful life events such as the loss of a loved one, legal troubles, or financial difficulties, or interpersonal stressors such as shame, harassment, bullying, or discrimination.

2. There are many warning signs of suicide. some signs are as follows:

- Talking about wanting to die or wanting to kill themselves.
- Talking about hopelessness or feeling empty.
- Death or terminal illness of relative or friend.
- Divorce, separation, broken relationships, and stress in the family.
- Loss of –health, job, home, money.
- Alcohol or drug abuse.
- The Individual himself is critically ill.

## Check Your Progress III

1. According to religious tradition, suicide is impermissible because of two reasons which are as follows:

- Suicide violates the natural law order created by God by which human existence is possible. This natural law can be seen as a) natural causal laws, i.e. suicide violates the causal order of human existence, b) teleological laws i.e. all sentient beings secure themselves in every condition to live a happy life and, c) the laws governing human nature and according to this law suicide is unnatural.
- The second general argument is based on the analogies concerning the relationship between God and humanity. It is discussed by Thomas Aquinas and John Locke is that humans are God's property and suicide is wrong.

2. Some precautionary measures by a family or friend to prevent suicide are: Sometimes the decision of suicide is taken in a haste manner and the stress or the difficult time is momentary. In that case, the other person needs to take extra care and calm the person down who is planning to commit suicide.

- If the person seems stressed then do not leave them alone.
- If the means are present like any sharpened object, poison, rope, cloth then try to get rid of them.
- Detoxify the home.
- Traditionally in India family bonds were strong and due to its rich and robust culture, community support, as well as faith in religious teachings that were deeply ingrained, it is promising to stop the suicidal act.
- All health professionals, NGOs, and even spiritual leaders, educationists should be involved in suicide prevention activities at the community level. They can play a positive role in identifying suicidal thoughts, behavioral, depressive states and offer emotional support to people who are at risk of attempting or committing suicide.



ignou  
THE PEOPLE'S  
UNIVERSITY



---

## **UNIT 7 REPRODUCTIVE RIGHTS\***

---

### **Structure**

- 7.0 Objectives
- 7.1 Introduction
- 7.2 Understanding Reproductive Rights
- 7.3 Right to Choose Whether and When to have a Child
- 7.4 Right to Choose How and with Whom to have a Child
- 7.5 Let Us Sum Up
- 7.6 Key Words
- 7.8 Further Readings and References
- 7.9 Answers to Check Your Progress

---

### **7.0 OBJECTIVES**

---

The main objectives of this unit are,

- Understanding the nature and subject matter of reproductive rights.
- Engaging with discussions surrounding the scope, extent, and limits of reproductive rights, especially from the vantage point of the debates and challenges emerging from considerations of the moral and legal permissibility of contraception, sterilization, abortion, assisted reproduction, surrogacy, etc.

---

### **7.1 INTRODUCTION**

---

In this unit the learners would become acquainted with the subject matter of reproductive rights which consists in issues of choice, autonomy, liberty, and freedom which an individual has in deciding for themselves whether, when, with whom, and how to have a child. The various modalities in and through which this choice can be granted to, and exercised by, individuals (not just “females”) raises several ethical and legislative challenges pertaining especially to the permissibility, availability, and access of contraception, abortion, assisted reproductive technology, etc. The unit aims to give the learner a panoramic view of the multi-

---

\* Ms. Mahak Uppal, Assistant professor, Department of Philosophy, Hindu College, University of Delhi.

pronged nature of these debates, drawing attention especially to the scope and limitations of the possible ways in which reproductive rights can be morally and justly exercised.

---

## 7.2 UNDERSTANDING REPRODUCTIVE RIGHTS

---

“Rights” are most commonly understood as entitlements/ sanctions/ privileges conferred onto individuals. Rights not only *allow* and *permit* the right-bearers to perform certain actions and to be in certain states, but at the same time they also entail and impose reciprocal Duties onto others to not perform certain actions and be in certain states which may deter the exercise of the sanctioned Rights. It may thus be said that Rights tend to focus upon “a freedom, protection, status, or benefit for the right-holders” while the corresponding Duties incurred on others, “often require actions involving respect, protection, facilitation, and provision” of the rights of right-holders. Most importantly, it needs to be noted that the very concept of rights manifests a sense of *approval* and *permissibility* with regard to the acts and states which are thus being sanctioned legally, morally, or institutionally. Rights, therefore, inform us about “what may, must, and must not be done” (“Rights” in Stanford Encyclopaedia of Philosophy).

Reproductive rights, more particularly, constitute the rights that an individual has for freely and autonomously choosing for themselves whether, when, with whom, and how to have children. Like most human rights, the enactment of reproductive rights also happens to be grounded in the concepts of individual freedom, autonomy, liberty, agency, etc. Reproductive rights become manifest in and through primarily two, interrelated dimensions. Firstly, they may appear as justified moral norms and codes of moral conduct that have come to be supported by strong reasoning and rational deliberation with respect to certain matters of concern and value (such as the value of life, freedom, personal autonomy, etc.). In this respect these rights specify what courses of actions and choices are deemed morally right and permissible; or wrong and non-permissible. They inform us about the extent and scope of “what ought to be done” and of “what ought not to be done”. Secondly these rights also exist as legal rights which are usually codified in the form of the civil or constitutional rights sanctioned by specific nation states. This legislative aspect ensures that any violation of reproductive rights (once codified) is not merely recognized as morally condemnable, but also that it is treated as a violation of certain laws and therefore a matter of both of immorality and injustice. For instance, to say that having access to contraception, or safe and legal abortion facilities is part of one’s basic reproductive rights, implies that acts of restraint

or discrimination with regard to the availability of such means is gravely wrong and unjust. It becomes the responsibility of the state to provide measures for protecting individuals against such injustices by building policies that are inclusive, non-discriminatory, and within easy access.

### **Check Your Progress I**

**Note: a) Use the space provided for your answer.**

**b) Check your answers with those provided at the end of the unit.**

1. What are the different ways in which reproductive rights come to be manifested?

-----  
-----  
-----  
-----  
-----

---

## **7.3 RIGHT TO CHOOSE WHETHER AND WHEN TO HAVE A CHILD**

---

### **7.3.1 Contraception and Sterilization**

Having reproductive rights entails that the right bearer has the freedom as well as the liberty to make a well-informed decision even with regard to the means they prefer to choose for managing, actuating, and controlling their reproductive ability and fertility.

The invention and availability of a variety of artificial contraceptives and sterilization (temporary or permanent) techniques has been identified as being an important milestone in the attainment and enactment of reproductive freedom and autonomy (for both women and men). Wherever available, these measures have allowed individuals to wilfully manage their sexuality and fertility. Especially in the case of women, who have been naturally endowed with the “child bearing role” these procedures have given them an opportunity and a means for reclaiming and exercising autonomy over their own bodies. The availability of these techniques and procedures has further opened a number of possibilities and alternatives from

among which an individual may decide to choose whether or not he/she wishes to have children, as well as when and how many children they wish to have (if at all).

The mere presence of these measures however, does not fully ensure adequate and effective utilization. The question of whether individuals are really able to freely choose from among all the possibilities that these measures make available, usually echoes a negative response. The primary reason for this seems to be rooted in the stark cultural, social, religious, and political, variations with regard to the legitimacy, availability, and access of these resources. There have been culture and religion specific inhibitions surrounding the use of contraceptive procedures, prohibiting their use as being morally objectionable. While some suggest that these methods tamper with the “divine law” and are a breach of the “divine plan”; others raise worries about sexual promiscuity, and the devaluation of life and creation. Furthermore, since cultural and religious beliefs do tend to exercise an influence on moral values and public policies, there are countries where the availability and use of artificial contraceptive means happens to be blatantly prohibited. While on the one extreme we find instances of absolute prohibition, on the other extreme one would encounter societies which enforce compulsory implementation of mandatory (at times even irreversible) sterilization and (long acting) contraception. Compliance to such norms is usually ensured by levelling penalties and disincentives or by luring individuals with (financial and material) incentives. Even though these measures are usually adopted in the name of population regulation, yet it may be argued that in so far as there is a limitation on the availability of alternatives, and an evident restriction on freedom of choice and reproductive liberty, such mandates end up violating an individual’s autonomy, voluntariness, and their ability for reflective deliberation. In addition to these limitations, even where contraceptive procedures are available, there are many who, due to the lack of knowledge, economic means, or even free access, are unable make use of these resources. These conditions leave individuals with very few (if any) alternatives or means for deciding whether, when and how many children to have. The fact that many countries and social groups have gone about adopting coercive measures appears to be as much of an infringement of reproductive liberty as in those societies and nation states which altogether prohibit the use of these measures (Battin 2009).

### **7.3.1 Abortion**

Unlike contraception and sterilization, which are aimed at regulating fertility by preventing the very possibility of conception; abortion involves the “termination of a conceived foetus”

(Finnis 2016, 15). In so far as this is the case, deliberations concerning the moral and legal permissibility of abortion involve a rigorous assessment of, and adjudication between, broadly two categories of apparently competing claims. On the one hand are claims and concerns about bodily autonomy, freedom, and choice (of the mother); while on the other hand we find claims regarding the right to life, and personhood (of the foetus). In effect, the ethical debates concerning abortion emerge from two perspectives: the pro-choice perspective (which revolves around the defence of the recognition and inclusion of the right to legal and safe abortion as a reproductive right); and the pro-life perspective (which revolves around the recognition of the right to life and potential personhood of the foetus).

Some of the earliest academic discussions surrounding the issue of abortion adopted, what is usually identified as, “a conservative” “anti-abortion” stance, drawing attention primarily to arguments that could convincingly grant “personhood” (potential and/or actual) and the “right to life” to the unborn foetus.

For instance, John Finnis tries to vehemently defend the claim that unborn foetuses are in fact human persons, and by utilizing this claim he goes on to argue that since “the unborn are human persons, the principles of justice and non-maleficence (rightly understood) prohibit *every* abortion; that is every procedure or technical process carried out with the intention of killing an unborn child or terminating its development” (Finnis 2016, 15).

Since this argument depends upon granting “personhood” to the “unborn”, he builds up his case by giving several reasons in favour of this assertion. Finnis is of the opinion that the common essence of all those who are designated as “persons” is that they are all “living human individuals” and “every living human individual must be regarded as a person” (Finnis 2016, 18). And hence, to say that only certain sets of living human individuals are persons while others ought not to be treated as persons, appears to be unfounded. Holding an evidently expansive view of personhood, Finnis argues that personhood must be viewed as emerging the moment the sperm penetrates into and “fertilizes” the ovum. Effectively, even a single cellular zygote is needs to be identified as a human person, for it already has, in the form of its genetic structure, the “active potential” and the full-fledged biological capacity for developing uniquely human abilities such as rationality, choice, self-consciousness, etc. This claim of an “un-actualized”-yet-“active potentiality or capacity” is what allows Finnis to assert that the zygote is not merely a “potential person” but rather that it is already possesses actual personhood. Furthermore, the moment it is accepted that single cellular zygotes (as

well as their later developmental stages of “embryos” and “foetuses”) qualify as human persons, they automatically get endowed with an inherent “right to life”. Since every foetus (irrespective of its stage of development) has this “right to life”, and since (owing to the moral value inherent in life as such) any act which causes harm to a human person is a gross violation of the principle of justice; therefore, aborting or terminating a foetus (at all stages of its intra-uterine development) becomes analogous to killing a new born child (or any other person), which is as morally and legally un-permissible as any act of killing per say.

The central argument for Finnis is that if the foetus is granted personhood, and thereby the right to life, then the very act of abortion, would clearly be classified as being gravely immoral and manifestly unjust. This proposed principle of abortion is meant to hold without exception even those cases where the pregnancy is the result of coercion and rape; as also those instances where the life of the pregnant mother herself is at risk. That is, even in those cases where it seems necessary to terminate the foetus in order to save the life of the mother, the act of abortion can still not be justified. In support of this suggestion Finnis explains that granting such an exception to the idea of a just law and ethical medical practice prohibiting abortion, would lead to the following implications, both of which appear to be grossly unjust; a) Allowing killing to be used as a means - such that under certain circumstances at least killing may be permissible in so far as it appears to be a means for achieving a further end; and b) prioritizing the life of the mother – such that the life of the mother appears to be more valuable in comparison to that of the foetus, suggesting that the preservation of the former should always be preferred.

It may however be argued that Finnis’ admission of personhood and right to life as extending to a single cellular zygote might be used to claim that all unicellular organisms in general have a right to life, and that therefore killing (intentionally or unintentionally) even the microbes in our mouth while brushing happens to be an immoral act. Further still, another limitation of the claim of a universal prohibition of abortion tends to stem from the idea that the zygote has the capacity for developing specifically human abilities, and that it is because of this very capacity that the zygotes, embryos and foetuses get endowed with personhood and the right to life (which needs to be preserved under all conditions). Yet the same criteria can hardly allow us to extend the right to life and personhood to those embryos and foetuses which lack the said capacity (of developing specifically human abilities) due to some inherent genetic abnormality. Finnis tries to address the challenge of accommodating even such cases

within the specified limits of the proposed prohibition of abortion, by discussing the ethical implications of “pre-natal screening” and the subsequent termination of a pregnancy in cases where abortion is medically indicated. Pre-natal screening usually comprises of an array of tests and examinations which are done in order to ensure a safe pregnancy by diagnosing and treating any defects as early as possible. Finnis is of the opinion that such tests seem permissible (even if they are carried out to address the anxiety of the parents) only in cases where there is no potential risk to the life of the foetus. However, he clarifies that if such a diagnosis is carried out with the intention of terminating the pregnancy in the case of undesirable results, then in arranging for such a diagnosis the individual is already committing an immoral act which is a gross violation of the principles of non-maleficence and justice.

A range of difficulties with Finnis’ position emerge when the proposed understanding of “personhood” is subjected to further scrutiny. Is it really that indubitable that “personhood” comes about the moment fertilization occurs?

One line of argument, as Bonnie Stienbock (2009) explains, suggests that the foetus (at least in the early and the mid trimester) cannot be granted personhood, for in its early stages it is not conscious per se, and therefore can neither be said to be endowed with awareness or sentience. This is because, experts believe that the structural and functional bodily organization which is regarded as being necessary for the emergence of conscious awareness, does not tend to develop at least until the second trimester. It needs to be pointed out here that there is a slight difference of opinion with regard to the exact stage at which conscious awareness comes about. While some experts trace the emergence of sentience to the beginning of the third trimester, others point out that the foetus may develop “feelings” by mid-gestation itself. Despite these factual differences, Stienbock admits that since late-gestation foetus do tend to develop sentience and experience “pain”, therefore late-term abortions would imply a clear infliction of pain onto the foetus and result in killing a sentient being. Though even late abortions might be mandated in certain extreme situations, especially when they appear to be the last resort for saving the life of the pregnant mother. Yet a state of affairs (which involves the termination of a living, feeling, sentient being) might not be unquestionably acceptable even to someone who is a strong upholder of the “pro-choice” stance.

Another attempt at understanding the nature of personhood is made by Michael Tooley, who, like Stienbock, focusses on delineating the exact nature of the necessary properties which a thing must have in order for it to possess a serious right to life. Unless an organism (human/non-human; single cellular or a multicellular organization of varied complexities) is able to satisfy the criteria and display the proposed properties, it would hardly be regarded as being in possession of the right to life. Yet, in looking for such a criterion, Tooley is not exclusively concerned with specifying that “cut off point” in the development of a human organism which demarcates the exact stage beyond which it would be unjust and impermissible to terminate or destroy it. Rather his primary concern is to flesh out a morally significant understanding of the concept of personhood itself along with the characteristics which seem most relevant to it. Such an understanding, once reached, would allow for a more precise formulation of why, for instance, it may be regarded as being unjust to kill a born child, and not equally un-permissible to terminate a foetus in its earlier stages of development.

Michael Tooley (2016) is of the view that “an organism possesses a serious right to life only if it possesses the concept of a self as a continuing subject of experiences and other mental states, and believes that it is itself such a continuing entity” (2016, 26). This claim draws its justification, from what Tooley calls the “self-consciousness” requirement, which encapsulates the idea that “things that lack consciousness, such as ordinary machines, cannot have rights.” (Tooley 2016, 26). He illustrates that any ascription of rights onto an individual simultaneously constitutes an assertion with respect to certain obligations that other individuals have to act and/or to refrain from acting in certain specified ways. Now these obligations, according to Tooley are conditioned upon the existence of certain desires which the individual (who is in possession of a right) has. This idea is captured via the analysis “a has a right to X” is synonymous with “If A desires X, then others are under a prima facie obligation to refrain from actions that would deprive him of it” (Tooley 2016, 26). What Tooley understands by “Desire” are specifically those mental states which tend to stand in a necessary relation with states of consciousness. In so far as this is the case, Tooley emphasizes that in order to have rights it is necessary that the said individual must have desires, i.e., the individual must be capable of being conscious. Single cellular organisms and zygotes, clearly fail to qualify as persons on Tooley’s analysis, suggesting that termination of early pregnancies is not a moral or legal offence.



Most of the views discussed above try to prohibit or defend abortions primarily from the perspective of the unborn foetus, deliberating upon whether or not it is a person? whether or not it can be granted rights? and if it is to be regarded as a person and granted rights, then at what stage of its development does it qualify for these privileges? etc. However, none of these discussions make any detailed reference to the role or the perspective of the pregnant mother, considering why is it that women choose to abort their pregnancies? Do they even have the autonomy and the right to make that choice? What is it (if there is anything valuable at all) which they stand to lose and forgo in case that choice is not implemented? and how does the decision of terminating a pregnancy square with the rights that the foetus is believed to be possessing?

Mary Anne Warren (2009) cites several reasons for why a woman might wish to abort a pregnancy: she might simply not want to be pregnant, the pregnancy may be unplanned and unintended, it might be the result of the unavailability or failure of contraception, or the result of coercive and forced sexual intercourse; the foetus may be severely damaged, having bleak prospects of a healthy (or extended) life post gestation; the continuation of the pregnancy and subsequent child birth might pose serious health risks for the pregnant mother to the extent of being life threatening; the mother might have financial constraints due to which she might not be in a position to continue with the pregnancy and raise a child successfully. Warren argues that the freedom to decide what happens with one's bodies, entails that the freedom to seek or reject a particular medical intervention is a basic human liberty. Given this, to deny women this right with respect to their bodies is a human rights violation and an infringement of their liberty.

Judith Jarvis Thomson (2016) presents her arguments in favour of the permissibility of abortion by suggesting that to grant that the foetus is a person does not necessarily and/or obviously allow us to conclude that abortion is morally wrong or legally impermissible. Rephrasing the standard anti-abortion arguments, she explains that most of them begin by granting that the foetus is a person and that therefore it has an undeniable right to life. The mother too (in some cases) is granted the autonomy to choose what happens in and to her body. However, since for the anti-abortionists, the right to life of the foetus appears to be principally more valuable than the mother's right to choose, the former outweighs the latter, implying that terminating the foetus is a graver offence than denying the mother her autonomy, and that therefore an abortion cannot be performed under any circumstance.

She even adds that though most anti-abortionist claims do grant that women have a right to decide what happens to their own bodies, yet they do not necessarily work out the exact philosophical implications of that supposition. Where the mother's life is at stake in continuing the pregnancy, Thomson believes, women have the right to defend their own lives against the threat posed by the foetus, even if it may require its termination. For in such cases, it cannot be claimed that since killing someone is a grave moral and legal offence, therefore the mother should just passively wait for her own death to come about, by refraining from doing anything to directly bring about an end the life-threatening pregnancy.

Thomson's central argument is that "having a right to life does not guarantee having either a right to be given the use of, or a right to be allowed continued use of, another person's body – even if one needs it for life itself" (2016, 42). Having a right to life, seems, on this interpretation to be an insufficient condition for claiming that one has a right not to be killed at all. The right to life, according to Thomson therefore "consists not in the right not to be killed but rather in the right not to be killed unjustly" (2016, 43). This revised understanding makes it incumbent upon the anti-abortionists to show not only that abortion amounts to killing the foetus, but also that it amounts to killing the foetus unjustly.

Thomson further explains that our right over our bodies entails that nobody else has the right to use our bodies unless we ourselves give them that right. And if one still allows the other person to use our bodies as an act of benevolence and kindness, it cannot still imply that the person has a positive claim over it. As a result, if one were to withdraw from granting them that privilege, one cannot be accused of acting unjustly in withdrawing that support, or of unrightfully depriving them of something which they had a rightful claim upon.

### **Check Your Progress II**

**Note: a) Use the space provided for your answer.**

**b) Check your answers with those provided at the end of the unit.**

1. What are the most common reasons for why women choose to opt for abortion?

-----  
-----  
-----  
-----  
-----

2. According to Finnis, what implications result from allowing abortion in cases involving threat to the life of the mother and pregnancy due to rape?

-----  
-----  
-----  
-----  
-----

---

## **7.4 RIGHT TO CHOOSE HOW AND WITH WHOM TO HAVE A CHILD**

---

### **7.4.1 Assisted Reproductive Techniques (ART)**

The female physiology has been endowed with a unique natural capacity of “child bearing”/ “gestation”. However, the desire and the will to procreate and the right to reproduce, cannot be seen as being exclusively limited to or associated only with (married) women or female bodies, even though “gestation” is necessarily contingent upon the possession of one. With recent advancements in bio-technology and reproductive techniques, as well as the growing (social, political, moral, legal) recognition and inclusion of individuals and couples of alternative sexual identities (LGBTIA); any discussion of Reproductive rights demands that these rights be understood in a more expansive manner –as the basic human right to procreate which each and every individual possesses irrespective of their gender, sexual orientation, economic condition, or marital status.

The phrase “Assisted Reproduction” denotes a variety of reproductive techniques which are utilized “for creating a baby other than by sexual intercourse between a woman and a man.” While some techniques “involve only a couple (usually married), others may involve singles or unmarried couples and utilize bodily products or services of third parties” (Laura M Purdy 2009. 178). One may define assisted reproduction as “the deliberate manipulation of the process and materials of human reproduction outside of sexual intercourse” (Roxanne Mykitiuk and Jeff Nisker 2008, 112).

Techniques involving only a heterosexual couple are: “Artificial insemination by husband (AIH), “standard” IVF (*in vitro* fertilization and the related technologies of gamete intrafallopian transfer (GIFT), and zygote intrafallopian transfer (ZIFT), as well as intracytoplasmic sperm injection (ICSI) and preimplantation genetic diagnosis (PGD).”

(Laura M Purdy 2009. 178). Together with these the techniques catering to singles, unmarried couples, or same-sex couples include “insemination by donor (AID), IVF and PGD using donor eggs or sperm, as well as various forms of contract pregnancy or “surrogacy” (Laura M Purdy, assisted rep, pp 178). It needs to be noted that these are not the only methods available, as they allow for a variety of permutations and combinations. Moreover, with the ongoing advancements in biological sciences newer techniques such as cloning, eggs formed by using the material of more than one individual, artificial gametes, and artificial wombs, etc. are also being made available.

The primary impetus behind the near explosion and mass adoption of these techniques appears to be threefold: firstly, the social value accorded to the need of procreating and having children; secondly, the imposition of this value especially strongly onto women, because of the belief that unless women accomplish the role of gestating babies, they remain incomplete and unfulfilled; finally, there is the need of having one’s own “biological” children. Understandably, the preference is usually given to using one’s own gametes over using donors or going in for adoptions.

These techniques have been a great boon for individuals and couples who are unable to conceive on their own. Yet none of these methods come without their own peculiar legal and moral challenges. Where there is a demand for social acceptance there is also an urgent need for regulation. For instance, let us examine the methods of “Surrogacy” and “oocyte vending”. Surrogacy or commercial contract pregnancy involves one woman gestating a baby with the aim of relinquishing it to the actual parents and “oocyte” vending consists in the donation of ones’ eggs. Both these ART methods involve the commodification and commercial use of one’s reproductive labour or service. The most fundamental ethical issues which emerge from these practices, concern the moral permissibility of the commodification and trade of one’s body (bodily capacities, bodily products and/or bodily parts) as well as the issue of bodily autonomy and reproductive choice. While on the one hand it is argued that contract pregnancy and oocyte vending curtail the dignity of the service provider, on the other hand it is also asserted that these choices are expressions of ones’ right over one’s bodies and therefore in fact sources of empowerment. We are therefore left with the need for adjudicating with regard to what is relatively more degrading for the woman: the commodification of her body or the denial and infringement of her autonomy?

Furthermore, while it is undeniable that these techniques have come as an aid to infertile and same-sex individuals/couples, and owing to these advancements there is now also a possibility of diagnosing serious genetic abnormalities in the child, enabling prospective parents to make a well-informed decision. Yet, these prospects of pre-natal selection and genetic screening have given a back door entry to the practice of sex selection (which may lead to selective abortions) as well as that of certain forms of “eugenics” whereby one is able to determine which “favourable”/“desirable” characteristics the baby must possess. Whether or not these selective possibilities are morally and legally permissible are questions which are subject to dense ethical and legal debates.

Though assisted reproductive techniques positively expand the means and measures by which reproductive freedom and choice can be exercised, especially for those who sincerely wish to nurture children, yet there are serious constraints on availability and access which severely affect the implementation of that freedom and choice. Of foremost significance here is the fact that there are very few countries where these techniques are legally sanctioned and permissible. Another limitation stems from the fact that these techniques are extremely costly and are therefore hardly within the reach of the masses as such. And finally, not all nations have legalized homosexuality, nor is single parenthood socially and morally acceptable everywhere.

### **Check Your Progress III**

**Note: a) Use the space provided for your answer.**

**b) Check your answers with those provided at the end of the unit.**

1. What are some of the significant limitations/hurdles for ART?

-----  
-----  
-----  
-----  
-----

---

## **7.5 LET US SUM UP**

---

Reproductive rights involve all the legal and moral sanctions which are and can be made available to individuals (not just women) to ensure that they are able to exercise the right to

procreate in an autonomous, free, dignified, and non-discriminatory manner. Any discussion of the nature and extent of reproductive rights demands a comprehensive assessment of the available means (and associated challenges) of choosing for oneself whether, when, how, and with whom to have children. With technological advancements a number of provisions and techniques (such as contraception, sterilization, abortion, surrogacy, ART) have been made available that allow individuals to implement their reproductive autonomy. However, most of these measures also come associated with multi-pronged ethical and legal debates about availability, permissibility, regulations, political and social legitimacy, etc. which need to be addressed.

---

## 7.7 KEY WORDS

---

**Abortion:** the process of terminating a conceived foetus.

**ART:** Assisted Reproductive Technology.

**Eugenics:** the practice of selective breeding focused on producing certain desirable traits in the offspring.

**LGBTQIA:** It is the acronym for- Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual.

**Surrogacy:** A contract-based pregnancy, wherein one woman gestates a baby with the aim of relinquishing it to the actual parents.

---

## 7.8 FURTHER READINGS AND REFERENCES

---

- Battin, Margaret Pabst, (2009). "Population." In *A Companion to Bioethics*, 2<sup>nd</sup> edition, 163-177. Oxford: Blackwell Publishing Ltd.
- Dakeyman, Mary Jane and Kate Dewhirst, (2008). "Voluntariness." In *The Cambridge Textbook of Bioethics*, edited by Peter Singer and AM Viens, 31-35. New York: Cambridge University Press.
- Finnis, John, (2016). "Abortion and Health Care Ethics." In *Bioethics An Anthology*, edited by Helga Kuhse, Udo Schuklenk and Peter Singer 3<sup>rd</sup> edition, 15-22. Oxford: John Wiley and Sons.
- Greefeld, Dorothy A. and Emre Seli, (2016). "Assisted Reproduction in Same Sex Couples." In *Bioethics An Anthology*, edited by Helga Kuhse, Udo Schuklenk and Peter Singer 3<sup>rd</sup> edition, 74-85. Oxford: John Wiley and Sons.
- Jennings, Bruce, (2007). "Autonomy." In *The Oxford Handbook of Bioethics*, edited by Bonnie Steinbock, 72-89. Oxford: Oxford University Press.

- Marquis, Don, (2016). “Why Abortion is Immoral.” In *Bioethics An Anthology*, edited by Helga Kuhse, Udo Schuklenk and Peter Singer 3<sup>rd</sup> edition, 49-60. Oxford: John Wiley and Sons.
- Marquis, Don, (2007). “Abortion Revisited.” In *The Oxford Handbook of Bioethics*, edited by Bonnie Steinbock, 395-415. Oxford: Oxford University Press.
- McLeod, Carolyn. For Dignity or Money: Feminists on the Commodification of Women’s Reproductive Labour, 258-281. In *The Oxford Handbook of Bioethics*, edited by Bonnie Steinbock, 258-281. Oxford: Oxford University Press, 2007.
- Mykitiuk, Roxanne and Jeff Nisker, (2008). “Assisted Reproduction.” In *The Cambridge Textbook of Bioethics*, edited by Peter Singer and AM Viens, 112-120. New York: Cambridge University Press.
- Purdy, Laura M., (2009). “Assisted Reproduction, Prenatal Testing and Sex Selection.” In *A Companion to Bioethics*, 2<sup>nd</sup> edition, 178-192. Oxford: Blackwell Publishing Ltd..
- Steinbock, Bonnie, (2009). “Mother-Fetus conflict.” In *A Companion to Bioethics*, 2<sup>nd</sup> edition, 149-160. Oxford: Blackwell Publishing Ltd.
- Steinbock, Bonnie. Surrogate Motherhood as Prenatal Adoption. *Law, Medicine and Healthcare*, 16(1-2): 44-50.
- Tooley, Michael, (2016). “Abortion and Infanticide.” In *Bioethics An Anthology*, edited by Helga Kuhse, Udo Schuklenk and Peter Singer 3<sup>rd</sup> edition, 23-37. Oxford: John Wiley and Sons.
- Tooley, Michael, (2009). “Personhood.” In *A Companion to Bioethics*, 2<sup>nd</sup> edition, 129-139. Oxford: Blackwell Publishing Ltd.
- Thomson, Judith Jarvis, (2009). “A Defense of Abortion.” In *Bioethics An Anthology*, edited by Helga Kuhse, Udo Schuklenk and Peter Singer, 3<sup>rd</sup> edition, 38-48. Oxford: John Wiley and Sons.
- Warren, Mary Anne, (2009). “Abortion.” In *A Companion to Bioethics*, 2<sup>nd</sup> edition, 140-148. Oxford: Blackwell Publishing Ltd.
- Williams, John R. (2008). “Consent.” In *The Cambridge Textbook of Bioethics*, edited by Peter Singer and AM Viens, 11-16. New York: Cambridge University Press.

### **Anthologies**

- Kuhse, Helga, Udo Schuklenk and Peter Singer (eds.), (2016). *Bioethics An Anthology*, 3<sup>rd</sup> edition. Oxford: John Wiley and Sons.
- Kuhse, Helga and Peter Singer (eds.), (2009). *A Companion to Bioethics*, 2<sup>nd</sup> edition. Oxford: Blackwell Publishing Ltd.
- Singer, Peter and AM Viens (eds.), (2008). *The Cambridge Textbook of Bioethics*. New York: Cambridge University Press.
- Steinbock, Bonnie (ed.), (2007). *The Oxford Handbook of Bioethics*. Oxford: Oxford University Press.

### **Weblink (Online entries)**

- <https://iep.utm.edu/abortion/> (entry on “Abortion”)
- <https://iep.utm.edu/surr-par/> (entry on “Surrogate Parenting”)
- <https://plato.stanford.edu/entries/rights/> (entry on “Rights”)
- <https://plato.stanford.edu/entries/rights-human/> (entry on “Human Rights”)
- <https://plato.stanford.edu/entries/parenthood/> (entry on “Parenthood and Procreation”)

---

## 7.9 ANSWERS TO CHECK YOUR PROGRESS

---

### Check Your Progress I

1. Reproductive rights can appear through two interrelated dimensions,
  1. As Moral norms and codes of moral conduct that have come to be supported by strong reasoning and rational deliberation with respect to certain matters of concern and value.
  2. As Civil and constitutional rights

### Check Your Progress II

1. The Common reasons for why women choose to opt for abortion are,
  - a) She might not want to be pregnant, the pregnancy may be unplanned and unintended, it might be the result of the unavailability or failure of contraception, or the result of coercive and forced sexual intercourse;
  - b) The foetus may be severely damaged, having bleak prospects of a healthy (or extended) life post gestation;
  - c) The continuation of the pregnancy and subsequent child birth might pose serious health risks for the pregnant mother to the extent of being life threatening;
  - d) The mother might have financial constraints due to which she might not be in a position to continue with the pregnancy and raise a child successfully
2. According to Finnis, implications result from allowing abortion in cases involving threat to the life of the mother and pregnancy due to rape are,
  - a) Allowing killing to be used as a means for achieving some other end
  - b) Prioritizing and giving more value to the life of the mother in all circumstances

### Check Your Progress III

1. Some of the significant limitations/hurdles for ART are,
  - a) They promote sex selection and eugenics (which are morally and legally debatable issues)
  - b) There are very few countries where these techniques are legally sanctioned and permissible.



- c) These techniques are extremely costly and are therefore hardly within the reach of the masses.
- d) Not all nations have legalized homosexuality, nor is single parenthood socially and morally acceptable everywhere.



ignou  
THE PEOPLE'S  
UNIVERSITY

**Structure**

- 8.0 Objectives
- 8.1 Introduction
- 8.2 Origin and Definition of Terrorism
- 8.3 History of Terrorism
- 8.4 Causes of Terrorism
- 8.5 Consequences of Terrorism
- 8.6 Terrorism and Social Ethics
- 8.7 Let Us Sum Up
- 8.8 Key Words
- 8.9 Further Readings and References
- 8.10 Answers to Check Your Progress

---

**8.0 OBJECTIVES**

---

In this unit, we are going to review one of the world's challenging situations of today, namely, terrorism. We examine the general aspects of terrorism to have a better grasp of the meaning, history, causes, consequences and the ethical aspects of terrorism.

By the end of this unit, you will be able to:

- Understand the concept of terrorism, especially its definition and origin
- Comprehend the history of terrorism
- Identify the causes and consequences of terrorism, and
- Recognize the link between terrorism and social ethics.

---

**8.1 INTRODUCTION**

---

We are living in a world that is intimidated by belligerent forces that cannot be entirely attributed to any one particular region or country, or any specific religious or ethnic identity. Terrorism builds a kind of psychological state of extreme fear, insecurity and anxiety, besides the physical damages it causes in terms of loss of life and material goods. A terrorist activity is able to cause massive impairment to an individual and the society at large due to its surprise and shock tactics. The target is selected at random to produce the

---

\* Dr. Joy Kaippananickal, Visiting Professor, Kristu Jyoti College, Bangalore.

maximum panic among the innocent people. The perceptible cruelty of the act adds to the elements of shock and fear. Terrorism seeks above all to create a sensation within the ranks of the enemy in the public opinion and abroad.

---

## **8.2 ORIGIN AND DEFINITION OF THE TERM ‘TERRORISM’**

---

There are several opinions regarding the origin of terrorism. According to one theory, the term terrorism comes from the French word *terrorisme*, which is based on the Latin verb *terrere* (to cause to urinate), and which refers to a kind of violence or the threat of imminent violence. It is noted that the terrorism as a concept was first used by the British statesman Edmund Burke. He used it in the context of the Reign of Terror during the French Revolution. In those days, terror was understood to be a tool of dictatorship and as a symbol of power.

However, the word terrorism assumed a slightly different connotation in the 18<sup>th</sup> century A.D. with the arrival of German Philosopher Immanuel Kant who wrote about it in 1798 to describe the destiny of humankind. He indicated terrorism as a kind of loss of trust and hope for a joint way out to the problems of life. It is also indicative of the frightening experience of extreme loneliness in one's struggles for liberation.

The term terrorism assumed a revolutionary meaning in the 19<sup>th</sup> century when it tried to identify both the perpetrators of violence and their victims or objectives. Any terrorist attack at that time was seen as a special sort of violent behavior against the state. It was an attack aimed at disturbing the general running of the society to achieve some political goals. Terrorism involved itself with a variety of violent means starting from arbitrary bombing, through politically motivated kidnappings, assassination, and destruction of property, both governmental and individual.

Nationalism and nationalistic interests were brought into the fray of terrorism in the second half of the 19<sup>th</sup> century. This implies the perception that there were no innocent non-combatants. After that the world wars brought about a distinctive meaning to terrorism. During this time terrorism came to be linked with the methodologies of Fascism in Italy and Nazism in Germany. Since then, the terms terrorism and terrorist carry a strong negative undertone. These terms are often used as political labels to condemn violence or to rationalize the torture and even the execution of those who are labeled terrorists.

Though we are living in the midst of terrorism and similar activities, it is difficult to define accurately the phenomenon of terrorism. However, it can be defined as an organized

violence against the State or individuals with some political and personal objectives. Again, it can be said that terrorism is the unlawful use or threat of violence against a person or property to further political or social objectives. It is sometimes used as a means to intimidate or coerce a government, individuals or groups to modify their behavior or policies.

The *Oxford Advanced Dictionary* defines terrorism as the use of violent action in order to achieve political aims or to force a government to act. The *Encyclopedia Britannica* describes terrorism as the systematic use of terror or unpredictable violence against governments, public or individuals, to attain a political objective. It can be broadly defined as violent behaviour designed to generate fear in the community or a substantial segment of it for political purpose. It is the use of violence on the part of non-governmental groups to achieve political ends. According to the *Encyclopedia of Social Sciences*, terrorism is a method whereby an organized group or party seeks to achieve its vowed aims chiefly through the systematic use of violence.

The terrorists use various methods to cause panic and fear among people. Some of these methods include hostage taking, hijacking, political assassination, kidnapping, bombing, and explosions.

Terrorism has several objectives, such as, to advertise the movement or to give publicity to the ideology and strength of the movement; to mobilize mass support and urge sympathizers to greater militancy; to eliminate opponents and informers and thus remove obstacles to the growth of the movement; to demonstrate the inability of the government to support the people and maintain order; to destroy internal stability and create a feeling of fear and insecurity among the public; and to ensure the allegiance and obedience of the followers.

---

### **8.3 HISTORY OF TERRORISM**

---

Terrorism as it is today has a long historical evolution. It has evolved into the present form due to various factors and events. Another distinct form of dehumanization is seen in the thoughts of Frederick Nietzsche who classified people according to their intelligence and spoke of a master and slave morality. It is also a fact that there existed various other forms of dehumanization based on gender, colour, creed, false belief, employment, power, and myths etc.

This eventful history can go as far back as the recorded history of the world. The Old Testament section of the Bible advocates terror, murder, and all type of callous practices on

rivals. The assassination of kings by enemies, and the brutal suppression of loyalists afterwards, has been an established pattern of political ascent since Julius Caesar (BC 44). The Zealots in Israel (100 AD) wrestled against the Roman occupation in numerous ways. If terrorism can be understood subtly as the process of dehumanization, it can be recalled that such a scenario existed in ancient Rome in the form of the man-beast fight. The Assassins in Iraq (1100 AD) fought the Christian Crusaders with suicide tactics. The Thuggees in India (1300 AD) kidnapped travellers for sacrifice to their Gods and Goddess. The Spanish Inquisition (1469-1600 AD) dealt with Heretics by systematized torture, and the whole medieval era was based on terrorizing countryside. The Luddites (1811-1816 AD) destroyed machinery and any symbol of modern technology. A Serb terrorist (1914 AD) started the World War I. Hitler's rise to power (1932) involved plans for genocide. Nations like Ireland, Cyprus, Algeria, Tunisia, and Israel probably would have never become republics if not for revolutionary terrorist activities. Based on the above findings, the long and eventful history of terrorism can be further divided into the following periods:

**1. Terror in the Ancient World:** The terrorist movement in Palestine during 66-73 AD is considered to be the first terrorist movement in the recorded history. The earliest known organization that exhibited aspects of a modern terrorist organization was the Zealots, a group of Jewish nationalists, who put up resistance to Roman rule in Judaea. Known to the Romans as Sicarii, or dagger-men, they carried on an underground campaign to root out the Roman occupation forces, as well as some Jews they thought had collaborated with the Romans.

**2. Terror in the Middle Ages:** From the late 13<sup>th</sup> century to the 17<sup>th</sup> centuries, terror and barbarism were widely used in warfare and conflict. Until the rise of the modern nation state after the Treaty of Westphalia in 1648, the sort of principal authority and organized society that terrorism attempts to influence barely existed. Moreover, terrorism as we now understand it was not possible until the invention of gunpowder and subsequent explosives and incendiaries. In the late middle ages, the concept of terrorism was introduced during the French Revolution. It is said that in order to establish law and order in the State, the Committee of Public Safety killed more than 17,000 people. These severe measures of the government came to be known as "The Reign of Terror." The agents of the Committee of Public Safety and the National Convention that enforced the policies of "The Terror"

were referred to as “Terrorists”. This is regarded as the origin of the word terrorism, though extra-legal activities such as killing prominent officials and aristocrats in gruesome spectacles started by the Parisian mobs long before the guillotine was first used.

**3. Terrorism in the Modern and Contemporary Era:** The terrorists have become more destructive in the backdrop of modern complexities. During the 19<sup>th</sup> century, some nationalists in small European countries wanted to break free from the rule of larger empires. Known as Anarchists, they found they could get what they wanted by committing acts of terror. Revolutionary groups working to overthrow the Russian rule and the Irish nationalist groups also understood this. So they adopted terrorism as a method in Western Europe, Russia, and the United States. They believed that the best way to effect revolutionary, political, and social change was to assassinate persons who are holding responsible positions. From 1865 a number of kings, presidents, and prime ministers were killed by the Anarchists.

If early terrorism targeted those in power, in the twentieth century, the terrorists have begun targeting the innocent civilians who have no link with the actual cause they are fighting for. Today’s terrorists are techno-savvy. They are skilled in the use of chemical, biological, nuclear and conventional weapons and modern communication systems, which makes them more terrifying.

**Check Your Progress I**

**Note: a) Use the space provided for your answer.**

**b) Check your answers with those provided at the end of the unit.**

1. How do you define the term ‘terrorism’?

-----  
-----  
-----  
-----  
-----

2. Briefly describe the historical development of terrorism.

-----  
-----  
-----

---

---

## 8.4 CAUSES OF TERRORISM

---

Terrorism has several causes which can be related to social, historical, cultural, religious, economic, and psychological aspects. The following could be seen as some of the causes of terrorism:

**1. The Reality of Persistent Disputes:** Terrorism has its breeding ground in conflicts. Reasons for conflicts, however, can vary widely. Basically, it is the differences in objectives and ideologies that show the way to conflict. Some of the historical examples to this effect are: dominance of territory or resources by various ethnic, linguistic, religious or cultural groups; aspiration for freedom from foreign regimes; imposition of a particular form of government, such as democracy, theocracy, oligarchy, or dictatorship; economic deprivation of a population; and real or perceived instances of injustices.

**2. Dearth of Reasonable Redressal Procedure:** The absence of a systematic and proper redressal system can cause continued terrorist activities. If such a system were to exist, people will have recourse to it and thus solve conflicting situations. When such systems are not available due to their nonexistence, sloth, corruption; or unaffordable cost, the socially and culturally wounded people will get tempted to seek solution by themselves. Terrorist activities thus can arise from a sense of denial of lawful right of a certain group of people, for which they have been demanding determinedly.

**3. Weakness of the Distressed People:** When there are violent discords coupled with the absence of a genuine redressal system, there could be attempts to find solutions to the problems by force. This could result in various kinds of organized violence like communal riots and war. However, violence takes an ugly form through terrorism when the distressed people realize their inability to influence the dominator, due to their weakness. In such a situation, they are unable to face the oppressive forces face to face or in a direct manner. Therefore, they go underground and fight for their cause.

**4. Misguidance:** When children and youth are not brought up responsibly by their parents or guardians, there is a high risk for them to get involved with violent groups or militancy. There are vested interested groups who indoctrinate young minds to take up arms to fight for their causes which are sometimes fabricated. Often, ideologies of hatred in the name of religion, ethnic loyalty or nationalism are injected into the minds of people.

These youngsters are trained to cause destruction and are armed with deadly weapons. Their misguidance becomes complete when they are taught to regard the death and destruction of their enemies as a glorious achievement and their own possible death in the process as heroic martyrdom.

**5. Influence of the Mass Media:** Mass media are showing keen interest in terrorism and in the issues related to it. We find radio stations, television channels, newspapers, and Web pages often discussing this subject. These broadcasts reach a large portico of people in the world, especially those in the West and intensify the fear that the threat of terrorism generates. The terrorists make use of this effect of the media, thus turning them into an unwilling ally. The wide coverage given in the media motivates a terrorist organization to go ahead with their plans, since they know for sure that their action will be made known to the whole world and thus draw greater attention to the cause. Often, the live coverage of the terrorist activity helps the perpetrators of violence to get away from the site of the violence in an easy manner. In such cases, the mass media can become an unwilling ally of terrorism.

**6. Democratic State:** Though it is opined by researchers that democratic nations are generally less vulnerable to terrorism, however, they too are not free from terrorist activities. There is a complex relationship between terrorism and democracy. Though in one sense democracy diminishes the risk of terrorism by undercutting some of its reasons, in another sense it often contributes to its prevalence. The open nature of democratic societies makes them vulnerable to terrorism. In such societies, civil liberties are protected, and government control and constant surveillance of the people and their activities are kept to the minimum.

It should also be noted that in democratic societies the risk of terrorism is compounded if the law enforcement is slow or inefficient. In such democracies the aggrieved people, having lost faith in the ability of the legal system of the country to deliver justice, are seen to take law into their own hands, and if they are weak, they do it clandestinely.

**7. Globalization:** It can be said that globalization, though not a direct cause of terrorism, it can often contribute to the menace of terrorism. The situation brought about by the linkage, even fusion, around the world of communications and financial systems has contributed to the promotion of global terrorism. Again, new communications such as the Internet and satellite phones have made it possible for the extremist terrorist and political organizations to build large organizational networks, exchange information, and combine



resources.

**8. Psychological Factors:** Many psychologists believe that the key to understand terrorism lies in understanding people. According to this perspective, terrorism is purely the result of psychological forces, not a well-thought-out strategy aimed at achieving rational, strategic ends. Therefore, psychologists emphasize the study of the mind of the terrorists. Accordingly, various attempts have been made to gain knowledge of the hidden psychic dynamism which incites a person to perform such acts without any qualm of conscience. There is another psychological view which says that the terrorists are normal individuals, who due to their deep emotional need and a high order of motivation on the grounds of nationalism or religious sentiment forces him to take up the path of violence. Another reason for taking up terrorism could be due to the desire to overcome loneliness. They claim that many terrorists are people who have been rejected in some fashion by society and tend to be loners. Since it is in human nature to be part of a group, an alienated loner is naturally drawn towards any group that will accept him, give him a sense of mission, and provide him the ways and means of accomplishing it, along with monetary gains.

---

## 8.5 CONSEQUENCES OF TERRORISM

---

The causes of the growing terrorism in a State are many. Mostly the terrorists are motivated by religious and political consideration, but there are also economic factors.

**1. Environmental Consequences:** Terrorist activities can paralyze the entire cosmos with its vulnerable activities. It can be said that every terrorist attack is a way of demeaning the entire universe. The cosmos, which is the habitat of life, is dishonored into a place of death and doom. The very fact that a human being is a cosmic reality, he/she is automatically dehumanized in the wake of every terrorist activity. Anything that is done against the cosmic *rta* is going to affect all the living and non-living beings of the universe. Sowing the seeds of disorder, disharmony and discontent has turned to be the work of a number of psychosomatics.

**2. Political Consequences:** Terrorism builds up both direct and indirect pressure on the government to weaken it physically and psychologically. The function of terror can also be to discourage the people from cooperating with or giving information to the government. The deepest anxiety amongst ordinary people arises when they fear a collapse of law and order. Terrorism works towards a collapse of the social order and terrorists exploit this situation by trying to project them as a better alternative. In this state of fear and anxiety

the essential services may not function properly. Terrorism grew out of political anarchy. Terror incorporates two facets: first, a state of fear or anxiety within an individual or a group and second, the tool that induces the state of fear. Thus, terror involves the threat or use of symbolic violent acts aimed at influencing political behavior. Following World War II, political terrorism reemerged on the international scene. During the 1960s, political terrorism appeared to have entered into another phase. Perhaps the two most significant qualitative changes were: first, its transnational character and second, its emergence as a self-sufficient strategy, namely, operating independently of the larger political arena.

Political terrorism occurs as the result of a conscious decision by ideologically inspired groups to strike back at what their members may perceive as unjust within a given society or polity. The answers to contemporary political terrorism, therefore, would have to be found within this larger social, economic, political, and psychological context.

**3. Economic Consequences:** Terrorism aims at maximizing economic impact in the world at large. The destruction of the twin-towers on that Tuesday of 11<sup>th</sup> September, 2001 has caused much confusion and disarray in the global economic scenario. Since each act of terrorism is designed in such a way as to have an impact on the larger audience, its reverberations and after effects are largely seen in the economic area. Nations and government machineries are forced to equip themselves with latest technologies to combat the network of terrorism. All those involve the bifurcation of national funds which could be made use of other purposes. Terrorism, in other words, deteriorates the economy of a nation. The economy of a nation does not include its financial conditions alone. It deals with all forms of wealth such as human resource, natural resource, intellectual power, aesthetic power, creative power, and money-power and so on. Therefore, economic consequences of terrorism affect all forms of wealth without which human life would be impossible.

---

## **8.6 TERRORISM AND SOCIAL ETHICS**

---

Terrorism has turned out over the years to be a method of dehumanizing the entire spectrum of human beings. The principles of the terrorists are rooted in destruction and dehumanization. Consequently, they take control of the ethical supervision of a society and fabricate the citizens of a substandard conscience and a splintered morality. Terror is not merely a rational phenomenon. It envelops people, body, mind, and spirit. It leaves people paralyzed by anxiety and fear.

Terrorism in all its forms is always wrong. Terrorism violates human rights, including the

basic right to be treated as a moral person. Art. 3 of the United Nations' *Universal Declaration of Human Rights* states, among other things, that everyone has the right to life. The importance of our acknowledging such a universal human right is evident: the protection of human life is the sine qua non of the individual's capacity to realize anything and everything – any and all values – a human being is capable of realizing in relation to himself or herself and others.

Terrorism as a phenomenon does raise a few ethical questions for our study and reflection. The growing hate campaigns against groups, regions and countries affect the normal morale of the society. Terrorism can thus be a threat to the civilization of the world. For, behaving ethically is a part of being civilized. The terrorists, however, are devoid of any love and benevolence and are disinterested in truth of life. They do not like to cultivate any art, literature and music. They prefer darkness of nights to the light of the day. They like their hiding places more than one loves one's home. They often kidnap children for claiming ransom. They have no qualms of conscience to make married women suddenly widows even after a few hours of marriage.

In the ancient time, there was more respect for the human life. Whenever there was any war or battle, it used to be the rule that you had to take precautions not to injure innocents. In any battle that took place, it was the custom that the people should be protected from the effects of the battles. Very often people were cleared from the battle area prior to the commencement of war. But unfortunately in today's world, human life has become worthless. The terror attacks are mostly carried out in places where the people gather in huge numbers such as places of worship, market places, transport stations etc.

Broadly speaking, a distinction can be made between two major traditions within the ethical thought: absolutist theories, which give prominence to moral duties which are obligatory in nature, and utilitarian suppositions, which hold the view that behaviour is right if it maximizes the happiness or welfare of the majority. The former points out the fact that we should uphold those rules which would maximize the general welfare if everyone followed them, even though they may not seem to do so in a particular instance; while the latter gives the possibility of maximizing the general welfare at the expense of minorities.

Universal pacifists are morally opposed to all kinds of violence, not just to killing. The most interesting pacifist of the twentieth century is Mahatma Gandhi. He developed his doctrine of non-violence which proved to be very effective in the Indian freedom struggle

which he led from the forefront. As world citizens, everyone should be encouraged to follow the example of Mahatma Gandhi who had a philosophy of life blended with the jewels of truth and non-violence. He led a bloodless struggle for the freedom of a nation, and of love, peace and everlasting joy in the hearts of millions of humans. *Sarvodaya* (welfare of all) was his secret. He believed in the culture of inter-human and intra-human relationship and love was the powerful weapon he used. Inter-human relationship is built upon the principles of love and respect and it exists between or among the humans. Intra-human relationship is also based on love and respect but it exists within the humans alone. It is centred on the principle of sacredness of one's own life and that of the other. That is to say, intra-human relationship never permits one to become a suicide-bomber, which causes destruction to oneself and one's own fellow humans. Likewise, intra-human relationship paves the way for a person to respect the other as a person and not as a thing or means for one's end. Gandhi believed in truth and love.

Terrorist groups must establish and follow ethical codes which should govern the conduct of their struggle. Insofar as possible, these standards should follow international laws governing warfare. The orbit of terrorism should not be allowed to violate humanization process of the individuals.

### **Check Your Progress II**

**Note: a) Use the space provided for your answer.**

**b) Check your answers with those provided at the end of the unit.**

1. What are the causes of terrorism?

---

---

---

---

---

---

2. How do you understand terrorism in the context of ethics?

---

---

---

---

---

---

## 8.7 LET US SUM UP

---

Terrorism is the biggest threat to the security of the world at the present scenario. It begets a sense of repugnance and disgust deep in the people's mind. It can destroy the world peace with its indiscriminate attacks. Terrorism does not observe any code of conduct concerning the value of life. They dedicate themselves to the destruction of the innocent people. As members of the world community we need to work toward a set of ethical standards in the wake of the growing menace of terrorism in the world today.

The fight against terrorism can be effective only if governments cooperate more closely especially through the exchange of relevant information concerning the prevention and combating of terrorism, identification, arrest and prosecution or extradition of terrorists. People should be educated for international thinking. Peace education should be encouraged in all the educational institutions.

Every human being and society should respond positively to the tragic situations arising from terrorist activities, so that our collective human involvement would enhance the prospects for a better tomorrow. All such agencies need to function under a moral framework, so that everyone involved would respond morally to the evils committed in a manner that is strictly human in character.

---

## 8.8 KEY WORDS

---

**Psychosomatics:** Psychosomatics relates to a disorder having physical symptoms but originating from mental or emotional causes.

**Fascism:** Fascism is a political ideology that stands for radical and authoritarian nationalism. The fascists advocate the creation of a single-party state. They forbid and suppress openness and opposition to the fascist state.

**Nazism:** Nazism is the totalitarian ideology and practices of the Nazi Party or National Socialist German Workers' Party under Adolf Hitler. It is a form of fascism.

---

## 8.9 FURTHER READINGS AND REFERENCES

---

- Alexander, Yonah and S. M. Finger. *Terrorism: Interdisciplinary Perspectives*. United Kingdom: The John Jay Press, 1977.

- Arnold, Terrel and Moorhead Kennedy. *Think about Terrorism: The New Warfare*. New York: Walker and Company, 1988.
- Attumkal, Mathew. "Terrorism: A New Mode of Dehumanizing People into 'Targets'." *Journal of Dharma*, Vol. XXXII, no. 1 (January – March, 2007), 73-84.
- Barker, Jonathan. *The No-Nonsense Guide to Terrorism*. Jaipur: Rawat Publications, 2005.
- Goyal, Archana. *Terrorism: Causes and Consequences*. Bikaner: Institute of Environment, 1990.
- Miceli, Vincent P. *The Roots of Violence*. New York: The Christopher Publishing House, 1989.
- Perumalil, Augustine. "Terrorism: The Threat and Response." *SNC Journal of Intercultural Philosophy*, no. 14 (August 2008), 26-64.
- Quddus, Abdul. *The Mirage of Terrorism*. Delhi: Amarnath Pages, 2003.
- Saksena, N. S. *Terrorism: History and Facets in the World and in India*. New Delhi: Abhinav Publications, 1985.
- White, James E. *Contemporary Moral Problems* (7<sup>th</sup> edn). Australia: Wadsworth and Thomson Learning, 2003.

---

## 8.10 ANSWERS TO CHECK YOUR PROGRESS

---

### Check Your Progress I

1. *The Oxford Advanced Dictionary* defines terrorism as the use of violent action in order to achieve political aims to force a government to act. The *Encyclopedia Britannica* describes terrorism as the systematic use of terror or unpredictable violence against governments, public or individuals, to attain a political objective. *The Encyclopedia of Social Sciences* defines terrorism as a method whereby an organized group or party seeks to achieve its vowed aims chiefly through the systematic use of violence.

2. The history of terrorism can be traced back as to very time when history began to be recorded. In the ancient world we see the first terrorist movement led by the Zealots, a group of Jewish nationalists, who put up resistance to Roman rule in Judea. In the middle ages, beginning from 13<sup>th</sup> century to 17<sup>th</sup> century we get to see especially during the French Revolution. Terrorism in the modern and contemporary era we see several revolutionary groups popping up all across Europe, Russia and United States.

The main means that are being used are assassinations and bombings.

### **Check Your Progress II**

1. The causes of terrorism can be several. Ideological and Objective differences can lead to conflict, which if not resolved amicably can lead to terrorism. If there is no system by which there is no systematic and proper redressal, then it could lead to terrorist activities. Violent discords together with the absence of a genuine redressal system, attempts could be made to find solutions by force. Militants are other extremist groups could indoctrinate the minds of people, especially that of young people making them vulnerable to terrorist activities. Mass Media with their wide and in-depth and sometimes live coverage of the terrorist activities can become an unwilling ally of terrorists. Contrasting democratic and repressive societies it has been noticed that in democratic societies there is an increased frequency of terrorist activity. Terrorists have also been greatly helped by globalization the reason being the availability of financial systems and sophisticated communication system. Terrorists are basically lonely people who have been rejected at some time or the other. So they undertake this form of violence to have a sense of mission and provide them with the ways and means of accomplishing it, along with monetary gains.

2. In the context of ethics, terrorism can be surely said to be a threat to the civilization of the world. Terrorists just do not care about human life. Within the ethical thought one can say that there are two major traditions, one that of absolutist theories and utilitarian suppositions. Both have its drawbacks. In this scenario one needs to follow the example of *Sarvodaya* (welfare of all) of Gandhiji. Intra-human relationships and intra-human culture must be promoted.

---

## UNIT 9 CAPITAL PUNISHMENT\*

---

### Structure

9.0 Objectives

9.1 Introduction

9.2 Definition

9.3 Justifications

9.4 Arguments For And Against

9.5 Let Us Sum Up

9.6 Key Words

9.7 Further Reading and References

9.8 Answers to Check Your Progress

---

### 9.0 OBJECTIVES

---

- The unit on capital punishment is going to acquaint the students with the concept of death penalty or capital punishment.
- The unit will look at the definition of the term apart from its origins and arguments presented in support and against it.

---

### 9.1 INTRODUCTION

---

Punishment involves deliberately inflicting one or another form of suffering on person or persons who have committed a crime. In other words, punishment involves application of some stringent measures against those who have violated the legal code of the state, country, etc. where they reside. Punishment involves use of methods that would be ordinarily questioned as violating the dignity of the individual. Thus, punishment basically involves explaining why such a behaviour against the violator is permissible.

---

\* Dr. Sudnya N. Kulkarni, Associate Professor, Department of Philosophy, Janki Devi Memorial College, University of Delhi.



Punishment can take many different forms and the methods involved in punishing the perpetrator may vary from country to country or region to region. The different ways in which a perpetrator can be punished may involve imprisonment, torture, fining, banning, seizing property, home imprisonment and even death penalty or capital punishment. All these are ways of denying freedom or restraining the freedom of the perpetrator or the criminal. All these methods of punishment can be justified only if they are backed by sound reasons that are justifiable in a court of law or any other arrangement that is binding on the parties.

Often times, punishment has been supported by two reasons:

- 1- The person who committed the crime is made to suffer for the wrong act or misbehaviour. This is justified on the grounds that those guilty of crime should be made to suffer. The punishment will not undo the damage but it does provide solace or comfort to the suffering party that the criminal did not get away with the crime. In other words, the criminal or perpetrator was punished for the wrong doing.
- 2- The second reason that is given to justify punishment is based on the consequences that it leads to. Punishment not only punishes the perpetrator but also sends a message to the society that any one indulging in a similar activity will also be punished in a similar manner.

Both these approaches are categorised as backward looking or forward looking- Retributivism and consequentialism. The two main theories or rival schools of thought which have presented arguments for and against punishment. Consequentialists believe that punishment is justified because it leads to consequences that are good for the society. Consequentialism is forward looking in its approach as against Retributivism. Retributivism argues that punishment is justified because it pays back the offender for breaking the law and is therefore, intrinsically good.

One should however assess punishment not simply from the point of view of the effects of the punishment but also from the perspective of the nature of the crime committed. Sometimes punishment is given to censure or stop the recurrence of the crime or the wrongful act. For example, a parent scolding or punishing a child for a wrongful act is done to prevent the child from committing the same act in future. Both purposes of punishment, namely retribution and deterrence are not opposite to each other but are linked together. In other words, the two approaches are not water tight compartments. In order to justify punishment,

we must look at it as a method by means of which individual actions can be evaluated and certain responses to those actions be given.

In the light of this brief introduction of what is punishment and the two theories that are dominant in ethics and philosophy of law, we will now look at capital punishment.

---

## **9.2 CAPITAL PUNISHMENT**

---

Capital punishment or the death penalty is an institutionalised form of punishment that involves deliberately executing a person or persons for their alleged misconduct. Capital punishment looks to justify that the person or persons have indulged in an act that warrants death by execution.

If we look at the origins of the term Capital Punishment, we find that the term is old and one can find roots of it in classical Latin and French literature, where the term capital indicated punishment by beheading or loss of life. One of the first reference to capital punishment is found in the Babylonian Code of Hammurabi that had 25 crimes listed as capital crimes. Even the Mosaic code of the Hebrews identified numerous crimes punishable by death. Draco's code of 621BCE of Athens referred to a host of crimes punishable by death. A similar case was also there in the 12 tables of Roman law that included capital punishment. All in all, the ancient world did not shy away from using capital punishment against a host of crimes.

Medieval and Early Modern Europe also practiced capital punishment and often times the methods involved included death by beheading, stoning, drowning, beating to death etc. With the passage of time in the 18<sup>th</sup> and 19<sup>th</sup> centuries the process of inflicting capital punishment became less painful and mostly such punishments were carried out by hanging or beheading.

In the United States, capital punishment has been in practice since the original colonies were formed. In fact, it was used for a large number of crimes including burglary, murder, treason, counterfeiting. As time progressed the law makers began to review such practices and in 1791 the constitution was amended for the 8<sup>th</sup> time to prohibit any form of punishment considered as cruel and unusual. In the 1800's the electric chair was introduced and in 1970's the lethal injection to make death less painful for the guilty. However, over a period of time death penalty or capital punishment has become more controversial and throughout the world

and several states within the United States have abolished it completely. As of now, Out of the 194 UN member countries, 54 have abolished it completely.

As discussed earlier the two major theories of punishment are **Retributivism and Consequentialism**.

### **9.2.1 Retributive Approach**

There are many versions of this approach but almost all agree on one point that the offence has been committed and it cannot go unpunished. For the retributivists, future results do not matter. Punishment according to them, is morally permissible because criminals deserve to be punished. The amount of punishment that is to be meted out must be in proportion to the seriousness of the crime committed. Thus, retributivism seems to operate on the principle, that giving people what they deserve is morally justified.

So, far as, capital punishment goes retributivism looks at the principle of *lex talionis or an eye for an eye*, an idea based on the biblical tradition. Within retributivism there are many versions that have interpreted this biblical notion differently. One chief philosopher who needs to be mentioned is, Immanuel Kant, who in the late 18<sup>th</sup> century argued in his *The Metaphysics of Morals* that the principle of *lex talionis* has to be employed when a murder has been committed. Kant based his retributive theory of punishment on the principle of equality and basic human dignity or his concept of every rational being as an end in itself.

Contemporary retributivists have interpreted this idea as expressing proportionality rather than an equitable measure of crime and punishment. Philosophers like, John Rawls have talked of an idea of fairness. Any misconduct or violation of rules allows the perpetrator to take an unfair advantage of the system. To ensure that such practices do not put people in disadvantageous conditions, punishment has to be given. Thus, retributive punishment would act like a check.

### **9.2.2 Consequentialist Approach**

Consequentialist approach makes the connection between crime and punishment a contingent one. This approach analyses capital punishment in view of the consequences or results it leads too. If the death penalty results in an increase of general happiness and promotes peace in society then it is justifiable. The consequentialist approach is often classified as forward looking as against the retributive approach which is considered to be backward looking.

The consequentialist approach is rooted in the Utilitarian theory. The main proponents of this theory were Jeremy Bentham and John Stuart Mill. For, Bentham punishment basically serves to prevent crime, reform the offender and also deters future offenders from committing crimes. John Stuart Mill also supported death penalty, as he felt it would deter criminals from committing grievous crimes. The deterrent theory of punishment basically seeks to create fear in the minds of others by providing adequate penalty to the offenders. The punishment also acts as a warning to others. The theory operates on the belief that if the criminal is not punished the crimes may increase manifold.

### Check Your Progress I

**Note: a) Use the space provided for your answer.**

**b) Check your answers with those provided at the end of the unit.**

1. Define Capital Punishment.

-----  
-----  
-----  
-----  
-----

3. Explain briefly the Retributive and Consequentialist theories of punishment.

-----  
-----  
-----  
-----  
-----

4. Elucidate the concept of *lex talionis*.

-----  
-----  
-----  
-----  
-----

---

## 9.3 ARGUMENTS FOR AND AGAINST

---

Before we evaluate capital punishment, we must assess the concept of punishment. Often times it has been argued that criminal activities arise due to several factors which may include external circumstances as well as the mental framework of the offender. These reasons are suggestive of a strain of thought that crimes can be or may have a causal explanation. But such an approach may not help in providing a sound justification for punishment, all that it does is to point out that in certain cases persons may not be able to control their actions because of a genetic problem. Whether it is social circumstances or genetic framework, both do not provide a comprehensive framework to cover all aspects of punishment. Thus, punishment needs to be evaluated and justified.

Death penalty or capital punishment, is one of the most controversial forms of punishment and has been at the centre a debate regarding its efficacy in preventing crime. In recent years the debate around it has resulted in those who are in favour of abolishing it and those who want to retain it. These two approaches are broadly divided into the retentionists and abolitionists.

The retentionists rely on consequentialist and retributive approach to support their arguments for capital punishment. The consequentialist claim is that death is a superior deterrent as compared to other available forms of punishment. The retributive argument is that death penalty is the only penalty severe enough to be appropriate compensation for the most heinous crimes.

The abolitionists on the other hand challenge both these arguments of the retentionists, by stating that there is insufficient evidence to demonstrate that death penalty or capital punishment acts as deterrent in preventing future acts of homicide. In fact, they assert that life imprisonment is more effective than death penalty. Another reason for questioning capital punishment is that it is racially biased and, targeted towards the socio-economically vulnerable group and also error prone.

Capital punishment has also been assessed by those in favour of it by stating that –

1. Punishing a criminal who has committed a heinous crime is justified because that criminal is beyond the stage of being rehabilitated into the society.
2. Punishing such a criminal provides a closure for the victim's family'

3. The criminal can be used as a negotiating tool by police and investigators where a reduced sentence may help them in catching criminals.

However, those who oppose capital punishment argue-

1. It is cruel and immoral. It is a violation of the individual's right to his life and thereby a violation of human rights.

2. Further, inflicting capital punishment has not demonstrated that there is a reduction in crime or related activities.

3. If a wrong verdict is given and an innocent person gets executed then there is no way of undoing that gross injustice.

4. Further, it has been observed that capital punishment is biased in its approach as people are punished due to racial bias/ religious bias/ poor strata of society and many such factors.

In the light of both these approaches, one can assess that neither is completely holistic in its presentation. The retributive- retentionist approach is fraught with difficulties as it allows certain behaviour or treatments of human beings (criminals) to be morally permissible. They do argue that there are multiple layers of due process and it is unlikely that an innocent person will be executed, yet they have not been able to demonstrate that death penalty is superior.

The abolitionists- consequentialist have to demonstrate that other forms of punishment are more efficacious as compared to death penalty. These arguments have to be rationally constituted and also need to be backed by evidential support.

At the end all we can conclude is neither argument can fully support its position and we may have to assess the cases on ethical grounds.

### **Check Your Progress II**

**Note: a) Use the space provided for your answer.**

**b) Check your answers with those provided at the end of the unit.**

1. Should death penalty be abolished? State your views.

-----  
-----  
-----  
-----  
-----

2. Explain the abolitionist and retentionist positions.

-----  
-----  
-----  
-----  
-----

---

## 9.4 KEY WORDS

---

**Capital punishment:** Capital punishment or the death penalty is an institutionalised form of punishment that involves deliberately executing a person or persons for their alleged misconduct.

**Consequentialist:** Consequentialists believe that punishment is justified because it leads to consequences that are good for the society.

**Retributivism:** Retributivism argues that punishment is justified because it pays back the offender for breaking the law and is therefore, intrinsically good.

**Retentionist:** The retentionists rely on consequentialist and retributive approach to support their arguments for capital punishment.

**Abolitionist:** The abolitionist asserts that life imprisonment is more effective than death penalty.

---

## 9.5 LET US SUM UP

---

Thus, in this unit we have looked at the topic of capital punishment or death penalty briefly. We have seen its historical origins from the times of the Babylonians till date. Further the various approaches that have centred around it.

---

## 9.6 FURTHER READINGS AND REFERENCES

---

- Kant, Immanuel (ed.). *The Metaphysics of Morals*. Cambridge: Cambridge University Press, 1996.
- Tebbit, Mark. *The Philosophy of Law*. New York: Routledge, 2017.

---

## 9.7 ANSWERS TO CHECK YOUR PROGRESS

---

### Check Your Progress I

1. Capital punishment or the death penalty is an institutionalised form of punishment that involves deliberately executing a person or persons for their alleged misconduct. Capital punishment looks to justify that the person or persons have indulged in an act that warrants death by execution.

2. **Retributive Approach-** There are many versions of this approach but almost all agree on one point that the offence has been committed and it cannot go unpunished. For the retributivists, future results do not matter. Punishment according to them, is morally permissible because criminals deserve to be punished. The amount of punishment that is to be meted out must be in proportion to the seriousness of the crime committed. Thus, retributivism seems to operate on the principle, that giving people what they deserve is morally justified.

Consequentialist Approach makes the connection between crime and punishment a contingent one. This approach analyses capital punishment in view of the consequences or results it leads to. If the death penalty results in an increase of general happiness and promotes peace in society then it is justifiable. The consequentialist approach is often classified as forward looking as against the retributive approach which is considered to be backward looking

3. So, far as, capital punishment goes retributivism looks at the principle of *lex talionis or an eye for an eye*, an idea based on the biblical tradition. Within retributivism there are many versions that have interpreted this biblical notion differently. One chief philosopher who needs to be mentioned is, Immanuel Kant, who in the late 18<sup>th</sup> century argued in his *The Metaphysics of Morals* that the principle of *lex talionis* has to be employed when a murder has been committed.



## Check Your Progress II

**1 The student should answer this question as per his or her understanding of the matter.**

**2** Death penalty or capital punishment is one of the most controversial forms of punishment. In recent years the debate around it has resulted in those who are in favour of abolishing it and those who want to retain it. These two approaches are broadly divided into the retentionists and abolitionists.

The retentionists rely on consequentialist and retributive approach to support their arguments for capital punishment. The consequentialist claim is that death is a superior deterrent as compared to other available forms of punishment. The retributive argument is that death penalty is the only penalty severe enough to be appropriate compensation for the most heinous crimes.

The abolitionists on the other hand challenge both these arguments of the retentionists, by stating that there is insufficient evidence to demonstrate that death penalty or capital punishment acts as deterrent in preventing future acts of homicide. In fact, they assert that life imprisonment is more effective than death penalty. Another reason for questioning capital punishment is that it is racially biased and, targeted towards the socio-economically vulnerable group and also error prone.

---

## UNIT 10      ANIMAL RIGHTS\*

---

### Structure

- 10.0 Objectives
- 10.1 Introduction
- 10.2 The Case against Animal Rights
- 10.3 The Case for Animal Rights
- 10.4 Preference Utilitarianism and Animal Rights
- 10.5 The Rights View and Animal Rights
- 10.6 Let us Sum Up
- 10.7 Key Words
- 10.8 Further Readings and References
- 10.9 Answers to Check Your Progress

---

### 10.0 OBJECTIVES

The objective of this unit is to introduce you to the issue of animal rights. ‘Animal rights’ is one of the most debated issues in Applied Ethics and it has deep implication for human society. Going through the analysis of different aspects of animal rights, you shall be able to learn:

- the concept of animal rights in ethics
- the traditional views on animal rights
- the arguments in favor of animal rights
- the moral theories/principles applied to consider animals

---

### 10.1 INTRODUCTION

‘Animal rights’ is one of the most debated issues in applied ethics in particular, and moral philosophy in general. ‘Animal rights’ in simple term refers to the rights of animals. However, in this context the term “animal” refers to the non-human animals. Animal rights would give non-human animals moral rights to be treated ethically by moral agents. Simply speaking, moral rights are the rights which are accepted on certain moral principles. Moral rights, according to H.J. McCloskey, are moral entitlements that grant moral liberties on their possessors to do, demand, enjoy, have, and so on, depending on the nature and basis of the

---

\* Mr. Ikbal Hussain Ahmed, Assistant Professor, Teaching and Learning Centre, Tezpur University.

right; and they are moral entitlements that typically but not always impose moral constraints on others, such as abstention from various actions and activities, or doing, assisting, providing services and facilities, and so on, depending on the nature and basis of the right. Moral rights are sometimes characterized as a specific type of moral consideration used to justify restraint or interference with others, or to protest against such interference with oneself. In case of animal rights, one can assume that it will mean our obligation towards animals, obligation to restrain ourselves from killing or abusing animals. If animals are morally significant beings, then they could enjoy at least basic rights if not the non-basic rights like autonomy.

But do people recognize animals as morally significant beings? In reality most of us don't do so. Every day we kill millions of animals for food, keeping millions of animal in inhumane conditions in what is called 'Factory Farming'. Besides, we abuse animals, testing drugs, and in various scientific experiments. We also kill animals as sport. In some cases, we unnecessarily inflict pain to animals. One common example is how street dogs are treated. People often kick, beat, throw stones, throw hot liquid etc. on dogs just for fun. Many enjoy crushing animals, with vehicles running down over them. Advocates of animal rights, as well those who do not support animal rights but argue for ethical treatment of animals, criticize such abuse of animals and they claim that animals are morally significant beings and the case for animals should be considered morally. But are they really morally significant beings? If yes, to what extent rights can be granted? Can they have rights equal to moral agents? What moral principle is applicable to consider animal rights? All these questions need to be answered to understand animal rights and its implications. Granting rights to animals will have far reaching implications for human society. Because human society is dependent on the use of animals in multiple ways. Traditionally, humans have hardly recognized animals as morally significant beings. This is apparent from traditional religious and philosophical positions. Before discussing contemporary arguments for animal rights lets briefly look at the traditional views.

---

## **10.2 THE CASE AGAINST ANIMAL RIGHTS: THE TRADITIONAL RELIGIOUS AND PHILOSOPHICAL VIEWS**

---

Traditional religious and philosophical views can be largely categorized as anthropocentric. Anthropocentrism is the view that humans are the only morally significant beings or beings that can have moral rights. Major religions of both east and west don't grant any moral status to animals. Judaism, Christianity and Islam more openly support anthropocentrism. These

religions largely propagate that god has created everything on earth for benefit of men. However, these religions sometimes advise not to inflict unnecessary pain to the animals. Islam, for example, prohibits use of blunt objects for slaughtering animals for food as it may increase the suffering of the animal. On the other hand, Buddhism, Hinduism etc. propagates a theory of *ahimsa* (non-violence) and ask to treat all life forms with respect. However, this is also considered by many as anthropocentric, as these beliefs are entwined with theory of transmigration of soul and ultimately refers back to humans. Still these approaches are more favorable to consider the moral significance of animals. In case of Jainism, however, the practice of ahimsa clearly extends to animals. The vow of ahimsa in Jainism is the foundation of kindness to animals. All types of cruelty to animals and humans are considered violations against the vow of nonviolence. Jains denounced the common practice of animal sacrifice to the gods as evil many millennia ago. Keeping animals in captivity is generally prohibited, as is whipping, mutilating, or overloading them, as well as depriving them of necessary food and water. Domestic animals are exempt from the injunction to the extent that they may be roped or even whipped on rare occasions, but always gently and without rage. Thus, Jainism is far more considerate of animals in comparison to other religions, yet we cannot claim that animals are considered morally significant beings or animals have any rights within this faith. Traditional philosophers were also largely anthropocentric. Thomas Aquinas (1225-1274) believed in line with the Bible that God has given men dominion over irrational beings. Though he believed that both humans and non-humans have souls, the non-humans are lower in a hierarchy because they lack intelligence. His view entails that only humans are morally significant.

One of the prominent modern philosophers, Rene Descartes's (1596-1650) views go against moral consideration of animals. In his philosophy while humans have both body and soul, animals are regarded as having a body only, and they are merely organic machines. So, their pains are merely automated responses. Since animals do not have a mind they do not experience suffering. So, there is no question of moral consideration at all.

The famous German philosopher Immanuel Kant (1724-1804) expressed that only rational beings are ends in themselves, they are persons and non-rational beings are merely means to satisfy the need of the rational beings. In his book *Critique of Pure Reason*, he writes that animals like horses, dogs, beasts of prey and so forth are "things" that "can awaken in us inclination and even love" or sometimes "also fear" "but never respect," because respect is only for persons that animals are not.

This way, the major philosophical views were largely anthropocentric. The first serious attack on anthropocentric worldview came from Charles Darwin (1809-1882) who was a biologist. His theory of evolution established that humans and other animals have common ancestors and as such the difference between humans and other animals are not fundamental differences. His theory would later help contemporary philosophers to formulate moral principles inclusive of animals.

---

### **10.3 THE CASE FOR ANIMAL RIGHTS**

---

The movement for the rights of animals started in the late 20<sup>th</sup> century as protests, against what is called as speciesism. According to some modern ethicists, the biggest challenge to animal rights is speciesism – a prejudice that allows an individual to prefer the interests of their fellow beings on the basis of merely species-membership, while depriving others that are not the member of their own species. Most of us don't even consider the plight of animals because we perceive human interest superior to animals, simply, because they do not belong to our species. The most vociferous critic of speciesism is the ethicist Peter Singer. He strongly advocates for moral consideration of animals on the basis of his theory of Utilitarianism. Tom Regan on the other hand is a strong advocate of animal rights. Both these philosophers' views are crucial to understand the arguments in favor of moral consideration of animals. However, there are critical differences between the two. Let us start our discussion with Peter Singer.

---

### **10.4 PREFERENCE UTILITARIANISM AND ANIMAL RIGHTS**

---

Peter Singer in his books *Animal Liberation* and *Practical Ethics* develops what he calls a "Preference Utilitarian position" to settle some practical ethical problems, including the moral consideration of non-human animals. Singer's main emphasis is on the principle of equality and he tries to solve the issues relating to animals without any hue and cry for "rights." Singer uses two distinct notions in his utilitarianism while exploring the possibility of animal rights. The first is the principle of equality and the second is the concept of personhood.

According to Singer, equality in ethics stands for the “principle of equal consideration of interests.” The essence of this principle is that we give equal importance in our moral considerations of like interests of all those affected by our moral actions, e.g., if the interests of a human being and a horse are equally affected by certain activities, we should give equal value to both. Because, there is no morally significant difference between the two: “an

interest is interest whoever's interest may be." While considering the interests of beings, it must be extended to all beings, beyond race, gender or species. By implication, non-human animals should be considered morally if their interests are also affected. But do they really have any interest? Singer states that animals have interests because they have the capacity to suffer and enjoy, and enjoyment is a pre-requisite for having interests. If the sufferings of a being are refused consideration, it will be morally unjustified. In this way, Singer puts "sentience" as the limit of moral consideration. He holds that we should judge an action on the basis of the amount of pain or pleasure it produces in the subject.

But the question is how far animals can enjoy this right to equality? As a utilitarian, Singer advocates the best possible balance of pleasure over pain. So, in a conflicting situation where we have to choose one among two or many when their interests collide, someone's interests will definitely get preference if his/her interests outweigh the interests of others. A common question arises here – whom shall we prefer between a human being and an animal? Singer says that being human or being animal does not matter here. What primarily matters is sentience. Exceptions are there, but that finally depends upon the utilitarian principle. Thus sometimes, self-consciousness may be given importance. The reason is that self-conscious beings have greater awareness of future and of what is happening and have different desires. However, if someone goes further to say now that a self-conscious creature will be always given moral importance, he is mistaken. Singer will not agree with this view. For him, "If the existence of self-consciousness does not affect the nature of the interests under comparison," its possessor might not get any privilege. Suppose "A" is a self-conscious being while "B" is not self-conscious. According to equality principle both should be considered equally because self-consciousness is not important in itself in case of right to equal consideration. "A" can get preference in the consideration only when its self-consciousness produces comparatively higher interest. According to Singer, "interests are interests, and ought to be given equal consideration whether they are the interests of human or non-human animals, self-conscious or non-self-conscious animals." Hence, it seems that sentience or self-consciousness matters only if it becomes the cause of greater interests. In Singer's ethics, "equality" is applied in a very broad sense inclusive of all sentient beings. Thus, all animals, which are sentient, are entitled to this right along with human beings. But do all animals possess the right to life – the right that is most important for any being's existence?

Although Singer is against all types of killing and is a stout advocate of vegetarianism, his utilitarian stand forces him to embrace a restricted theory of "right to life." Thus, he approves

the killing of some animals in unavoidable situation. But how can Singer do it without submitting to any arbitrary moral principle? Singer employs here the concept of person, and claims that only persons have a serious right to life. However, one can see a connection between this view and his account of equality. In the latter he has laid emphasis on self-consciousness as the ground of having preferable interests and it will be shown that self-consciousness is an important requirement of personhood in Singer's philosophy as well as others.

As we know, a person is regarded as a self-conscious rational being. According to Singer there is a connection between this mental state and right to life. In *Practical Ethics* he writes as follows:

A self-conscious being is aware of itself as a distinct entity with a past and a future. A being aware of itself in this way will be capable of having desires about its own future.... To take the lives is to thwart their desires for the future. Killing a snail or a day old infant does not thwart any desires of this kind, because snails and newborn infants are incapable of having such desires.

According to "Preference Utilitarianism," advocated by Singer, an action contrary to the preference of any being is wrong, "unless this preference is out-weighed by contrary preferences." Hence, killing a person is worse than killing some other beings, "since persons are highly future oriented in their preferences." Singer holds that the right to life means the right to continue existing, as a distinct entity over time. Since only persons have such desires, only they have such a "right to life."

Does any non-human animal have this right? Singer argues that some animals do have right to life as they are persons. He argues, if normal human beings are given special value in protecting their lives due to their personhood, animals who are persons should be given same value and should be protected. He also shows his antagonism towards giving special value to the lives of the members of our species above the members of other species. Because some members of our species may not be persons, while some members of others species may be persons. The moral worth consists in personhood, not in species membership. In Singer's view, therefore, "it seems that killing, say, a chimpanzee is worse than the killing of a human being who, because of a congenital intellectual disability, is not and never can be a person."

So far, the preceding discussions are concerned, it seems that Singer would restrict the right to life only to Chimpanzees, gorillas and dolphins. But Singer's view seems to cover much

more ground as he cites here the intriguing custom of deer hunters. It is said, according to the custom, if you see something moving in the bushes and you are not sure if it is a deer or a hunter, don't shoot. Here from this example, Singer draws the analogy that "since we are not sure which animal is person or not accurately", it is preferable to give "benefit of the doubt" and through this, dogs, pigs etc., and perhaps "all mammals" can be assumed to have the capacity of self-consciousness, and qualify as persons. And if they are persons, they have the right to life too. However, those animals who are conscious but not persons they too should be protected on utilitarian grounds of sentience.

As we have seen, in Singer's philosophy, all animals have right to equal consideration of interests, secondly, all persons – whether human or non-human – have the right to life. The scene seems to be a perfect one, at least in principle, if the conditions are accepted as laid down by Singer. But beside the issue of the challengeable association of the right to life only to persons, an important question is what results when any conflict arises between different individuals or groups regarding any of the two rights? This question is important because opponents of animal rights often talk about such conflicts – both real and hypothetical. We have to see – how animals are affected in these situations.

What is clear at this point is that there is a difference recognized between persons and non-persons. But Singer reiterates that in case of equal consideration personhood cannot be excuse for any discrimination. The principle of equal consideration of interest depends on the amount of pain or pleasure, not on personhood. But this does not mean that mental capacities make no sense at all. They do make sense, but in a different manner, according to Singer. Thus, mental capacities may trigger more pain in certain cases, while in other cases it may be otherwise. Singer illustrates it with an example. In some cases, normal human beings suffer more than others for their mental capacities. Suppose, some lethal experiments are performed on a normal human adult, after kidnapping him from a public place, say, a park. Other adults who enter the park definitely will be scared by this news and they will mentally suffer from this terror. The same experiment on an animal may not produce equal suffering in other animals. Personhood or, speaking specifically, the state of having higher mental capacities, is here a basis of relatively higher suffering and therefore they get preference. But sometimes, an animal may suffer more due to the lack of personhood or its relevant capacities. Singer gives another example here. Suppose, a group of people is taken as prisoners of war, where the intention is not to harm them, if it is explained to the group, the task can be done peacefully.



But in case of animals, it may not be possible to explain them while, say, shifting a group of animals to another place. As a result, they may try to escape and get more pain. Personhood therefore may be the cause both of comparatively more or less suffering. Here, personhood in principle does not necessarily stand for more moral worth, in a conflicting situation, unless it causes greater suffering which exalts an individual or a group to a higher stage in the ranking of their comparative moral importance. In general, in case of equal consideration, sentience seems to be more important than personhood. When an animal and a human have a comparable interest – the animal’s interests (whether the animal is a person or not) deserves as much moral weight as the human’s comparable interests.

### **Check Your Progress I**

**Note: a) Use the space provided for your answer.**

**b) Check your answers with those provided at the end of the unit.**

1. What is most significant Indian Philosophical school for consideration of animal rights?

-----  
-----  
-----  
-----  
-----

2. Write a note on Peter Singer’s utilitarianism and animal rights.

-----  
-----  
-----  
-----  
-----

---

## **10.5 THE RIGHTS VIEW AND ANIMAL RIGHTS**

---

The theory offered here is an alternative proposal against utilitarianism of Singer, and this view is known as the “rights theory” advocated by Tom Regan. Regan says that in utilitarianism, individuals – human or animal individuals – cannot have equal moral rights because their inherent value is not recognized there. He writes in “The Case for Animal Rights”:

Utilitarianism has no room for the equal moral rights of different individuals because it has no room for the equal inherent value or worth, what has value for the utilitarian is the satisfaction of an individual’s interests, not the individuals whose interests they are. A universe in which you satisfy your desire for water, food and warmth is, other things being equal, better than a universe in which these desires are frustrated. And the same is true in the case of an animal with similar desires. But neither you nor the animals have any value in your own right. Only your feelings do.

Regan explains the point by an analogy of a cup. A cup may contain different liquids, what is actually valued is what it contains, not the cup. “For the utilitarian you and I are like the cup: we have no value as individuals and thus no equal value. What has value is what goes into us, what we serve as receptacles for.” Another problem that Regan finds in utilitarianism is the problem of ends. As an “aggregative theory” utilitarianism approves even killing one individual for the best results: but for Regan, “A good end does not justify an evil means.”

Since these problems of any kinds of utilitarianism originate from the denial of inherent value, Regan bases his theory on inherent value itself. As we know, inherent value is opposite to instrumental value. The inherent value of something refers to its value which is based on its intrinsic properties rather than its usefulness to others. Inherent value is also understood to represent something as an end in itself. In any sense the concept of inherent value is said to be different from utilitarian considerations where inherent value has no importance. According to Regan, to have an inherent value is to have value as individuals by which an individual is something more than or something different from mere receptacles. By definition, he argues, “all those who have ‘inherent value’, all possess it equally.” So, all those have the right, at least, not to be treated as mere means.

According to Regan, all those who are the “experiencing subject of a life” have inherent value. The phrase “experiencing subject of a life,” in Regan’s views stands for an identity that is constituted by personhood. Thus, it should be conscious, autonomous, should have an idea of past and future and also sentience. These are the features of persons as we know.

Now, human beings with the above-mentioned features are said to have value and rights. Some animals who share these features, also, therefore, must have inherent value and rights. Because, to say that only humans have such value, is “blatant speciesism.” According to Regan, humans as well as animals have this value and they possess it equally. This inherent value is the basis of their rights.

Now the question: how far does Regan succeed in granting rights to animals? He advocates “inherent value,” or to use his analogy, he gives importance to the “cup” rather than to what it contains. But it can be shown that the same error can happen in the case of Regan, as it is said to happen in the case of a utilitarian like Peter Singer. Regan’s concept of “experiencing-subject-of-a life” refers to certain mental capacities which belong to a certain being, which also have the capacity to pleasure and pain. The classification of animals into person and non-person is based on certain features that are necessary to having experience in Regan’s terminology. This may satisfy his notion of inherent value but might be inconsistent with other views. One can argue that it is not even inherent value at all as it depends on evaluations to satisfy the notion of personhood. The value in that sense is not objective. When Regan is ascribing inherent value to those only with certain features but not to all individual animals, isn’t he giving importance to merely selective aspects of the “cup,” rather than the “cup” itself? So, Regan’s criticism of Utilitarianism brings back a challenge to himself too. Beside these criticisms, what is really problematic is that there is no scope of rights for a large number of animals as they would not qualify for “inherent value,” not having personhood in Regan’s sense. Regan’s theory of personhood thus, drives all animals out of moral considerations except “mammals” as they are the only “experiencing subject of a life.”

In the essay, “The case for Animal Rights,” Regan proceeds by accepting the distinction between moral agents and moral patients. Moral agents have responsibility for their deeds, while moral patients have not. Moral agents here refer conceivably to the normal adult humans. Regan also writes about two types of moral patients. Thus, the first types of moral patients are merely “conscious” and “sentient,” while others possess some additional “cognitive” and “volitional” abilities. According to Regan, human infants, young children and the mentally deranged humans of all ages are second type of moral patients. He also includes some animals within this type. He claims that the second type of moral patients and moral agents are “persons”; both moral agents and patients in the second sense have equal inherent value. Moral patients are affected by moral actions of moral agents.

This account confirms that some animals may be persons. But what appears important is that this notion of personhood might not necessarily work for animal rights. This can be clarified by taking two principles of Regan's ethics. Regarding conflicting situations, Regan applies two principles – “the mini-ride principle” and “the worse-off principle.” According to the mini-ride principle, preference will be given to the interests of those who are more in number, other thing being equal. For example, if the rights of three persons, not to be harmed conflict with that of one, then the three will be preferred. In the worse off principle, when the harm of one group is more than the other, then, besides the number of affected individuals the “prima facie” harm should be preferred in moral considerations.

What is the significance of this position? What happens, in the above case, to the inherent value or personhood of someone in the “worse-off principle,” or what happens to the inherent value of a “smaller group” whose interest is out-weighed in the “mini-ride-principle” by a larger group? He criticizes the utilitarian for counting the interests of a being rather than the being as such, but is not he doing the same thing here? Regan's position reveals that it is possible to curtail the rights of animals and even of human beings, undermining his/her inherent value or personhood. What works here as worthy is the comparable “harm” or “desire” or “preferences,” not the individual as such or not even the “degrees of consciousness.” This whole situation thus leads us towards an aggregative theory, which is not other than a consequentialist view. Even Regan's “Rights theory” cannot escape this situation and this proves that what ultimately matters is not personhood itself, but the intensity of the few products of its relevant features like “desire,” “frustration” etc. in a particular case.

From our preceding discussions it appears that in case of animals rights there is not much agreement on what principle animals can be granted rights. It is also not very clear up to what extent the rights can be granted. If we accept personhood as a requirement for having rights then only few species of animals will be eligible for rights. Whether we apply Preference Utilitarianism or Rights view, there is always scope of giving priority to normal humans over animals in a conflicting situation. On the other hand, if sentience is accepted as the basis of rights, then almost all animals will have moral rights. In that case all sorts of use and abuse of non-human animals by humans will be morally wrong. Human moral agents will have no rights to treat animal as mere means for some other ends, even if the process is very humane, it will be always morally wrong to use animals for human interest. Some environmental

ethicists argue that if we accept rights of all sentient beings, then it will be an obligation of the moral agents to protect the rights of both prey and predators. So, whose rights should be given preference? According to Regan, the predators are not moral agents so they do not have moral obligation towards the prey. For human agents, non-interference is the strategy to follow as otherwise we would be violating the rights of predator animals to survive.

At present the animal rights activists are debating the best strategies to follow in order to change the traditional way we use animals. The opponents of animal rights also debate on philosophical and ethical points to consider against giving rights to animals. We need to consider both sides seriously to arrive at a correct decision that can be applied in daily life.

### Check Your Progress II

**Note:** a) Use the space provided for your answer.

b) Check your answers with those provided at the end of the unit.

1. What is the main problem of utilitarianism of Peter Singer according to Tom Regan?.

-----  
-----  
-----  
-----  
-----

2. What is inherent value? Do animals possess inherent value?

-----  
-----  
-----  
-----  
-----

---

## 10.6 LET US SUM UP

---

Animal rights in simple term refers to the rights of animals. Animal rights would give non-human animals moral rights to be treated ethically by moral agents. Every day we are killing

millions of animals for food, keeping millions of animal in inhumane conditions in what is called 'Factory Farming', and abusing animals in many other ways. Advocates of animal rights, as well those who do not support animal rights but argue for ethical treatment of animals, criticize such abuse of animal and they claim that animals are morally significant beings and the case for animals should be considered morally.

We have seen that traditional religious and philosophical views can be largely categorized as anthropocentric, and they are opposed to animal rights. One of the prominent modern philosophers, Rene Descartes's (1596-1650) views go against moral consideration of animals. According to some modern ethicists, the biggest challenge to animal rights is speciesism – a prejudice that allows an individual to prefer the interests of his fellow beings on the basis of merely species-membership. Most of us don't even consider the plight of animals because we perceive human interest superior to animals, simply, because they do not belong to our species. Peter Singer and Tom Regan are two philosophers who argue in favor of moral consideration of animals.

Peter Singer in his books *Animal Liberation* and *Practical Ethics* explores the moral consideration of non-human animals. His main emphasis is on the principle of equality, and he tries to solve issues relating to animals without any hue and cry for "rights". He holds that we should judge an action on the amount of pain or pleasure it produces in the subject. Self-conscious beings have greater awareness of future and of what is happening and have different desires. According to equality principle, both should be considered equally because self-consciousness is not important in itself in case of right to equal consideration. In Singer's ethics, "equality" is applied in a very broad sense inclusive of all sentient beings.

Tom Regan says that in utilitarianism, individuals – human or animal individuals – cannot have equal moral rights because their inherent value is not recognized there. The inherent value of something refers to its value, which is based on its intrinsic properties rather than its usefulness to others. According to Regan, to have an inherent value is to have value as individuals by which an individual is something more than or something different from mere receptacles. By definition, he argues, "all those who have 'inherent value', all possess it equally". So, all those with inherent value should have the right, at least, not to be treated as mere means. Thus, animals have equal rights and cannot be treated as mere means. Tom Regan's view is known as Rights view.

In the case of animal rights there is not much agreement on what principle animals can be granted rights. The debate is still going and we need to consider the arguments from both the

campus – those who are in favor and those who are against animal rights – to find a correct answer.

---

## 10.7 KEY WORDS

---

**Anthropocentrism:** Anthropocentrism is a human-centered (or "anthropocentric") viewpoint. Anthropocentrism is a philosophical term that refers to the belief that humans are the sole or principal holders of moral status.

**Inherent Value:** The inherent value of something refers to its value which is based on its intrinsic properties rather than its usefulness to others

**Moral Agent:** A moral agent is a person who can make decisions based on what is right and wrong.

**Morally Significant Beings:** Beings who are proper subjects of the concern of moral agents.

**Sentience:** Sentience is the ability to feel and perceive emotions and sensations.

**Speciesism:** Speciesism is a prejudice that allows an individual to prefer the interests of his fellow beings on the basis of merely species-membership. The term was coined by Richard Ryder.

**Utilitarianism:** Utilitarianism is a set of normative ethical theories that recommend activities that maximize happiness and well-being for all people.

---

## 10.8 FURTHER READINGS AND REFERENCES

---

- David DeGrazia. *Animal Rights: A Very Short Introduction*. Oxford: Oxford University Press, 2002.
- Machan, Tibor R. "Do Animals Have Rights?" in James E. White (ed.), *Contemporary Moral Problems*. Belmont, CA: Wadsworth Pub. 2003, pp.509-515
- Regan, Tom. "Animal Rights, Human Wrongs" in Ruth Chadwick & Doris Schroeder (eds.), *Applied Ethics: Critical Concepts in Philosophy*, Vol. 4 (Environment). London: Routledge, 2002, pp.70-114.
- Regan, Tom. "The Case for Animal Rights" in James E. White (ed.), *Contemporary Moral Problems*. Belmont, CA: Wadsworth Pub. 2003, pp. 500-508.
- Scruton, Roger. *Animal Rights and Wrongs*. London: Demos, 1996, 3rd edition, London: Metro Books, 2000
- Singer, Peter. *Practical Ethics*. Cambridge: Cambridge University Press, 1993.
- Singer, Peter. *Animal Liberation*. New York: Harper Collins Publishers, 1975, First ECCO Paperback, 2002.

- Singer, Peter, (ed.). *In Defence of Animals: The Second Wave*. Malden: Blackwell Publishing, 2006.

---

## 10.9 ANSWERS TO CHECK YOUR PROGRESS

---

### Check Your Progress I

1. The philosophy of Jainism seems to be most relevant Indian Philosophical School to consider animal rights. In case of Jainism, the practice of ahimsa clearly extends to animals. The vow of ahimsa in Jainism is the foundation of kindness to animals. All types of cruelty to animals and humans are considered violations against the vow of nonviolence. Jains denounced the common practice of animal sacrifice to the gods as evil many millennia ago. Keeping animals in captivity is generally prohibited, as is whipping, mutilating, or overloading them, as well as depriving them of necessary food and water. Domestic animals are exempt from the injunction to the extent that they may be roped or even whipped on rare occasions, but always gently and without rage. Thus Jainism is far more considerate animals in comparison to other religions yet we cannot that animals are considered morally significant beings or animals have any rights

2. Peter Singer's main emphasis is on the principle of equality and he tries to solve the issues relating to animals without any hue and cry for "rights". Singer uses two distinct notions in his utilitarianism while exploring the possibility of animal rights. According to Singer, equality in ethics stands for the "principle of equal consideration of interests". Someone's interests will definitely get preference if his/her interests outweigh the interests of others. Singer: "If the existence of self-consciousness does not affect the nature of the interests under comparison, its possessor might not get any privilege". According to Singer, interests are interests, and ought to be given equal consideration whether they are the interests of human or non-human animals. In Singer's ethics, "equality" is applied in a very broad sense inclusive of all sentient beings - that is, all animals which are sentient.

### Check Your Progress II

1. According to Tom Regan, utilitarianism has no room for the equal moral rights of different individuals because it has no room for the equal inherent value or worth, what has value for the utilitarian is the satisfaction of an individual's interests, not the individuals whose interests they are.

2. According to Regan, to have an inherent value is to have value as individuals by which an individual is something more than or something different from mere receptacles. By



definition, he argues, "all those who have 'inherent value', all possess it equally. According to Regan, all those who are the "experiencing subject of a life" have inherent value. Now, human beings with the above-mentioned features are said to have value and rights. Some animals who share these features, also, therefore, must have inherent value and rights. According to Regan, humans as well as animals have this value and they possess it equally.



ignou  
THE PEOPLE'S  
UNIVERSITY