

CHAPTER 3
THE SANCTITY-OF-LIFE
PRINCIPLE *

**A PHILOSOPHIC BACKGROUND FOR
THE CONSIDERATION OF EUTHANASIA**

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In the following paper I wish, first, to analyze different versions of the sanctity-of-life principle and inquire what, if any, justification there is for believing that life is sacred; and second, to point out certain confusions, especially in regard to euthanasia, that appear to be connected with the erroneous notion that one ought never kill an innocent human being.

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* Humanistic Perspectives in Medical Ethics, Maurice Vischer, ed., Prometheus, 1972, 39-61. Reprinted in The Morality of Killing, 1974, 92-110.

The analysis which follows does not purport to be exhaustive. I thought it better to make a reasonable case against more viable positions than to spend time refuting weaker ones. Hence I shall have little to say about the killing of animals or the claim that one ought never kill any human being—not because these problems are unimportant, but because I feel that others are more important.

It is often said that "human life is sacred." This sentence is thought to express a "sanctity-of-life principle," or "SLP" for short. That men actually talk this way, that they use the same speech or orthographic patterns, does not mean that they are all saying the same thing, or that the principle is simple. In fact, the opposite is the case. The SLP is open to, and is often given, different interpretations. It is chameleon-like, changing its colors according to the moral theory it rests upon. It is almost as if a family of related but differing principles were hidden under the rubric of the SLP in order to give the impression of moral consensus.

Consider the following sentence-types:

- (1) One ought never kill an innocent human being because in some religious or protoreligious sense life is sacred;
- (2) One ought never kill an innocent human being because such an action would be unjust;
- (3) One ought never kill an innocent human being because such an action may (or must) lead to undesirable consequences; and
- (4) The sentence "One ought never kill an innocent human being" expresses an ultimate moral principle.

Generally speaking, Roman Catholic writers¹ emphasize (1), and use (2) and (3) as supporting arguments. Albert Schweitzer² and Edward Shils³ seem to use (1) and (3) as complementaries, and Yale Kamisar⁴ and others use (3) to argue against euthanasia legislation. (4) is important because it contains the word "ultimate" the ambiguity of which leads to the muddling of different claims.

Religious and Protoreligious Interpretations

I shall begin with a brief evaluation of traditional theism, then consider Schweitzer's approach, and conclude with Edward Shils' notion of a protoreligious metaphysic.

According to the traditional theist, God is a personal, all-powerful being, a sovereign who rules over his creation. Hence:

Man is merely the custodian of life, not its Master . . . It is man's duty to accept the decisions of God, not to pass judgments on them. If God has created and bestowed life upon man, it does not fall within the right of man to destroy it.⁵

Man is not absolutely master of his own life and body. He has not *dominium* over it, but holds it in trust for God's purposes.⁶

The difficulty is that if we grant that an all-powerful God has absolute sovereignty over human life, then if He himself held human life to be sacred, i.e., if He really cared, He would interfere. At least, He would cure the sick; at most, He would prevent unjust illness and accident. If He does nothing, we can only conclude that either His sovereignty is limited (meaning perhaps that He wants us to act), or His power is limited, or He simply does not care.

In other words, if God is what the traditional theist says He is, why doesn't He interfere in cases of unjust illness and accident? On the other hand, if God is not what the theist says He is, and does not interfere with nature—i.e., if He does not "play" God—then either He wants us to make decisions and to act, or He does not. If He does not, then He is a nonmoral god—at least, so it would seem to me.

Although this argument may be countered, it is not so easily met. For instance, someone may suggest that the existence of a moral God does not entail the conclusion that has been drawn. He probably would remind us that God is just, distributing happiness among men according

to their deserts, but that this distribution essentially occurs after death. Hence from this point of view God is moral, even though it does not always appear so. This counterargument is a variation of an old but ingenious attempt to explain away the existence of evil. But this eschatological explanation will not do: At best it is mere conjecture, and at worst, theological illusion. Moreover, when we examine the concept of morality as it seems to show itself in the words of Jesus and other writers, we observe that benevolence, or love, and related behavior (such as self-sacrifice) are deemed to be necessary conditions. This would seem to indicate that justice in its narrow sense is not a sufficient condition for morality. A just God need be just, but He need not be moral.

One of the merits of Albert Schweitzer's approach to this problem is that he does not presuppose or establish a basic antinomy between God and man. God, as conceived of by Schweitzer, reveals Himself in the world as the mysterious creative Force, but within man He reveals Himself as ethical Will. "All living knowledge of God rests upon this foundation: that we experience Him in our lives as will-to-love."⁷

This maneuver helps avoid the major pitfall in the traditional theistic position. Since God, for Schweitzer, is part of the life force as ethical Will, God "plays" God when man acts ethically. For if I understand Schweitzer correctly, God expresses His sovereignty through man, and shares it with man. When we care, when we are concerned, He is also expressing care and concern.

Since God is in the world, and since He is part of the life force as ethical Will, it is necessarily true that if God is sacred, then life is sacred. And since God is sacred, it follows that life is sacred. Notice the beauty of Schweitzer's argument. All the statements are linguistically true. The logic is impeccable. And most important, it provides the grounds for the credibility of the sanctity-of-life principle.

Unfortunately, however, the argument is factually vacuous. That is to say, the premises are true, but analytic. The sentence "God is in the world" is true because "being in the world" is part of what is meant by the word "God." "God is part of the life force as ethical Will" is true because "being part of the life force as ethical Will" is part of what Schweitzer means by "God." "God is sacred" is true, because by "sacred" is meant "made holy by association with God". And I venture to say that even the most ardent skeptic will admit that if there is a God, it is quite likely that He is in close association with Himself.

If doubt still lurks, if questions remain as to the logical status of the conclusion, then I suggest the following test: Take the statement "life is sacred" in this particular theological context, and see if it can be falsified. See if evidence, even in theory, can be found that would count against its truth. I think one would be hard pressed to find any. Notice that the problem of finding evidence is not merely a practical difficulty, but has an air of logical impossibility about it; for it makes about as much sense to look for empirical evidence to show that "life is sacred" is false, as to look for evidence to show that "seven plus five equals 12" is false.

Edward Shils' notion of a protoreligious metaphysic is plagued by similar difficulties. According to Shils, "the idea of sacredness is generated by the primordial experience of being alive, of experiencing the elemental sensation of vitality and the elemental fear of its extinction."⁸ The inviolability of human life is then self-evident, since it is "the most primordial of experiences."⁹ But what, may I ask, would count as evidence against this claim? About 200 children die every year from lead poisoning because we are not overly concerned about slum children—would this count as evidence? Again, as many as 400 thousand children may be lead-poisoned, half of them ending up with permanent

handicaps¹⁰—does this count? And what of the conservative estimate that as many as 23 thousand traffic fatalities in 1969 resulted from drunk driving? Or that cirrhosis is the sixth leading cause of death? Yet little or no fuss is made over the sale of alcoholic beverages. The American Cancer Society tells us that lung cancer, which has been linked mostly to smoking, will kill more than 51 thousand men in the United States in 1970.¹¹ More recently, Nicholas Johnson (F.C.C. Commissioner) claimed that "there are 300 thousand deaths a year related to cigarette smoking."¹² Nevertheless, the sale of cigarettes is still legal. If all this (and the surface has just been scratched) does not count against the self-evident status of the inviolability of human life, then what does count?

Shils evidently believes, first, that one must know the truth in order to properly recognize it; second, that those who do not have this prior understanding cannot see the truth, at least not as he conceives it; and third, that the reason people do not have this prior understanding is that they are morally misguided or obviously evil. He grudgingly admits that "there is, in fact, no situation in which the acknowledgment of sanctity-of-life is guaranteed."¹³ Nonetheless, he insists on abusing those who would disagree with him, those who do not acknowledge the SLP. In more kindly moments, he dismisses those who do not agree as advocates of "Prometheanism" or the prophets of what he calls "contrived intervention";¹⁴ in a more revealing opening statement, he says that "to persons who are not murderers, concentration camp administrators, or dreamers of sadistic fantasies, the inviolability of human life seems to be so self-evident that it might appear pointless to inquire into it."¹⁵ Evidently Shils believes that two opposing moral interpretations cannot be equally respectable, and that it is therefore necessary to condemn at least one of the interpreters as immoral.

Perhaps Shils was aware of these difficulties, for there is a shift in his position, an attempt to cover the empirical claim under the cloak of a normative one. In the same passage where he maintains that the sacredness of life "is the most primordial of experiences," and that "the fact that many human beings act contrarily, or do not apprehend it, does not impugn the sacredness of life," he goes on to suggest that the proposition in question "is not more than a guiding principle." Surely, if it is no more than a guiding principle, no more than a normative principle, then it is not a natural metaphysic, it is not in the nature of things. If something is the case, then it makes little sense to say that we ought to make it so. If life is really sacred, then it makes little sense to say that it ought to be so treated. On the other hand, if there is nothing in the universe which necessitates or guarantees the sacredness of life, and if the claim is only that life *ought* to be treated as being sacred, then it makes even less sense to argue that there is a protoreligious natural metaphysic. Shils cannot have it both ways.

But some men are reluctant to talk in the first person, and are reluctant to say "I think we ought to treat human beings in such and such a way", or "I think we ought not kill." Instead they prefer to give their desires and preferences an impersonal sense of importance. Hence, we are told that cosmic forces, the gods, or some protoreligious metaphysic guarantees the efficacy of their desires. I believe it was Bertrand Russell who warned us that metaphysical ethics is an attempt to give universal rather than merely personal importance to certain of our desires. The ethical metaphysician believes that whatever he morally desires must (in some sense) exist and can be discovered in the ultimate nature of the universe. He confuses wishful thinking with fact. He rejects evidence for a sense of self-importance, and truth for the warmth of illusion.

Justice

Consider (2), the principle that one ought never kill an innocent human being because such an act would be unjust. It raises special problems. The primary methodological difficulty is that of disambiguating the principle and determining exactly what is being asserted. The primary ethical difficulty is that of coordinating different considerations of justice; for there is justice in the sense of giving an individual his due and nothing more, and there is justice in the sense of nonarbitrary impartial treatment, namely, justice as fairness.

For example, consider the problem of euthanasia: Are we giving patients their due when, with their consent, we allow them to die? Are we giving them their due when, with their consent, we kill those who suffer from incurable disease? And in the wider sense of justice as fairness, is it fair to kill or to allow these patients to die? Few questions generate more difficulties for the advocates of the SLP, for there are few moral situations that raise more stubborn problems than the plight of a person who wants an easy and merciful death.

Perhaps the first point that strikes us when we reflect upon the problem is that (2) is not synonymous, and should not be confused, with:

(5) One ought not kill an innocent human being because such an act would be breaking some code of law.

To say that we do not mean by "justice" merely "conformity to a code of law" is to utter an obvious truth about the language. But I think the point can be made more strongly. Not only do we not talk this way; there are good reasons why we ought not to. For once having equated justice with some code of law, consistency would demand that we call all laws just, even one that established the most vicious form of inequity or led to untold human misery. Moreover, having essentially

eliminated the term "justice," we would probably want to introduce another term with an almost identical meaning in order to refer to unjust acts which are neither referred to nor covered by a code of law.

Now, one of the more popular objections to euthanasia is that:

- (6) One ought not commit an act of euthanasia because such an act would be illegal.

In normal times this is not a convincing argument. But in times when there is an almost hysterical demand for law and order, the argument gains a certain plausibility. The explanation usually given is that one is obligated to obey the law, and obedience to law is a prior and overriding moral commitment. If the issue is pressed further and one asks: "Would you feel the same obligation if you were, let us say, in Nazi Germany?" There are a variety of replies. But more often than not we are told that while there is a prior obligation to obey the law, this does not and cannot make it right to inflict or obey a harmful law. The reply, in itself, is not decisive, but it does illustrate the fact that advocates and opponents of euthanasia often agree that some rules are overriding, and that prior obligations do not make it right to inflict or obey harmful laws, generally speaking.¹⁶

A more serious objection to euthanasia is that:

- (7) One ought not commit an act of euthanasia because it is unjust in the sense of punishing someone when no punishment is due.

Thus we are told that a patient is usually not guilty of a crime—that he is innocent—and that to punish him by killing is unjust.¹⁷

For example, suppose we have a case of disseminated carcinoma metastasis before us—that is, a case of cancer where the cancerous cells have spread and have fully developed throughout the body. We know that the patient has excruciating pain; that as a result of this condition it

is beyond reasonable medical doubt that the patient has to die; that the patient has earlier completed a "living will"¹⁸ and when told of his condition voluntarily favors some means of "easy death"; and that aside from the desire to help the patient no other considerations are relevant. Now it is not easy to know all these things, and I am not suggesting that it is. What I am suggesting is that if there are such cases (and I believe there are), then in these cases it would not be unjust to kill.

Some would disagree with this analysis. The question is, why? One source of the difficulty lies in the belief that death is and always must be considered to be a punishment. This belief has various sources: the notion that immortality is a necessary condition for perfection, the belief that God punished man by expelling him from the Garden of Eden (thereby making him mortal), and the fact that human beings almost universally use death as an extreme form of punishment. Given all this it is easy to understand why people view death as punishment.

The significant question is not whether human beings have certain prejudices, as admittedly they do, but whether in the situation described the act of killing is really a punishment. The evidence indicates that the intention is not to inflict pain, restraint, or any other penalty. Moreover, the patient himself does not view it as punishment. On the contrary, he wants to die. In fact, the patient might argue that his having a "living will" places an obligation on his physician and family. Now, the question of contract is a moot one. Morally, much depends upon the nature and extent of the promises made by the family, while legally the matter is even more complex. But what is eminently clear is that in such situations the patient—if he is not actually demanding death as a matter of equity—certainly does not view it as punishment or inequity. Without contrary evidence, to dogmatically assert in the face of this that all death is

punishment is like a man who, after carefully examining a black swan, refuses to call it such, because he was taught to believe that all swans are white.

I should now like to consider what is at best a moral anomaly; that is, the belief that euthanasia is merciful, but nonetheless unjust. The anomaly is the result of careless thinking, of essentially identifying the concept of being *not just* with that of being *unjust*. While the belief in its pure form is not widely held, something very much like it keeps cropping up in lay discussions.

The belief is that:

(8) One ought not commit an act of euthanasia because, although it is merciful, merciful acts are somehow unjust.

The temptation is to reduce this "argument" to absurdity by showing that if the position is consistently held, all merciful acts—including the merciful treatment of criminals and unfortunate victims of war and oppression, and even the merciful acts of a deity—must be considered unjust. This temptation should be resisted, however, not because it is mistaken, but because such a maneuver explains little and tends to veil the underlying problems.

First of all, it is more than likely that those who hold this position have a flip-flop system of justice which classifies every act as being either just or unjust. In their universe there is no room for shading or borderline cases. Second, they also seem to hold what I should like to call the narrower view of the narrower sense of justice. They seem to believe not that one should give every man his due, but rather that one should give every man his due and *nothing more*. Third, in their opinion, merciful treatment exceeds that which is equitable, and is therefore unjust.

I think that once this view is clearly stated, it will be generally rejected. It will not be accepted that all acts are either just or unjust, since it is generally recognized that

a narrow notion of equity is applicable only in those situations where such a notion is relevant as an issue. For example, given this narrow sense of justice it seems exceedingly odd to say that an act—such as the act of making a charitable donation in circumstances where it is not a matter of obligation—is either just or unjust. Clearly, in this circumstance it is only a matter of benevolence. Again, consider the phenomena of self sacrifice. Take a case in which a stranger gives his own life in an attempt to help the unfortunate victims in a burning house. Surely, without additional information that would alter our understanding of the situation, there is something bizarre in saying that the act was unjust because the victims did not deserve the treatment they received.

Nor can we accept the tacit assumption that morality is synonymous with this narrow view of equity. Even if we maintain that justice requires equal treatment in all essentially similar cases, and further hold that this broader notion of equity is somehow synonymous with morality, the claim that one ought to give everyone his due and *nothing more* cannot stand up under critical scrutiny. It cannot stand because justice is not a miser. Justice may demand impartiality in the observance or enforcement of certain rules of distribution,¹⁹ but she does not require that we only distribute goods and services on the basis of a previous contract. She does not reduce morality to a niggardly form of obligation.

Consequentialist Arguments

The arguments I shall now consider grow out of the feeling, often an unshakeable conviction, that the SLP is necessary because its violation leads to undesirable consequences. Norman St. John-Stevs maintains that "once the principle of the sanctity-of-life is abandoned, there can be no criterion of the right to life, save that of personal taste."²⁰ Edward Shils makes a stronger claim,

stating that "if life were not viewed and experienced as sacred, then nothing else would be sacred."²¹ Although there is difference of opinion as to exactly what the violation entails, it is generally agreed that:

(3) One ought never kill an innocent human being because such an action may (or must) lead to undesirable consequences.

Consider the most vulnerable form of this argument. Here it is claimed that:

(9) One ought never kill an innocent human being because such an action may lead to undesirable consequences.

Now, many argue that (9) must be rejected. They maintain, and correctly so, that in a democracy misuse or abuse of law is almost a necessary correlate, since in a free society one cannot make laws strong enough to repress possible violations. Hence it is a serious mistake to expect perfect regulation and still cherish the values of liberty. Others say that the argument must be rejected because its underlying form is such that it can be used to oppose all political and social change on the grounds that there is always a possibility of abuse, and that (9) and similar arguments are merely clandestine defenses of the status quo; that is to say, little more than apologetics for present suffering and misery. Others go further and make a distinction between the appeal to consequences and the demand for moral perfection. The former is legitimate. A rational man must consider the consequences of his actions. But the latter, the demand for moral perfection, is unreasonable.

Aside from these pragmatic considerations, there is a logical objection that is, I believe, telling. If the only constraint is logical impossibility, then it is just as possible that an action *will not* have undesirable consequences. The result is a complete standoff. For if it is just as possible to have desirable as to have undesirable consequences, then an appeal to such

consequences is completely indecisive and the argument breaks down. The argument is of little value except, perhaps, to point out that actions do have consequences.

It is interesting to note that opponents of euthanasia use a similar argument. They maintain that if euthanasia is legalized, or even held to be moral, then all sorts of disastrous consequences may follow. We reply that it is equally possible that it may not be abused. Logically speaking, the point is telling. Unfortunately, however, it is not persuasive. Following Joseph Fletcher, we then ask: "What is more irresponsible than to hide . . . behind a logical possibility that is without antecedent probability?"²² Again, the point is telling, and again, the opponents of euthanasia are not persuaded. The question is, why not?

By way of explanation, I should like to advance two conjectures. The more obvious is that the notion of logical possibility is unclear, or is being run together with other notions. Therefore, it may be worthwhile to see if the boundaries of this notion can be more properly illuminated.

The only constraint upon logical possibility is that of logical impossibility, i.e., everything not logically impossible is logically possible. Now, the only logically impossible "things" are those events, acts, and so forth, that if expressed in language result in a contradictory sentence.²³ For example, we say that it is not logically possible for a material object to be black and not black at the same time and place, because we know that the sentence "The black object is not a black object" is contradictory. Since logical impossibility is an extremely limited kind of constraint, however, it neither marks off nor prohibits unconfirmable, false, or conjectural sentences. Hence one can say with equal impunity that the black object may transubstantiate itself into a vampire bat, or that it may not; that the man

may run the mile in two minutes, or that he may not; and that euthanasia may lead to abuse, or that it may not.

The other explanation is that (9) is not as simple as it seems to be, because an important facet of the argument has been omitted. Perhaps the critics mean to say something else. Perhaps they mean to say that the practice of euthanasia may lead to abuse, and if it does, then the quality of the abuse outweighs the quality of its nonabuse, and that this is unfair. Here, I think, one has to be careful not to muddle two different problems. The first is the problem of appealing to possible consequences without any supporting evidence. The second is the problem of appealing to possible consequences with the support of evidence. To be more specific, we are now being told that:

(10) One ought never make euthanasia permissible, because there is evidence that people who ought not die will die, and that this is unfair.

This, however, significantly differs from the claim that one ought never to make euthanasia permissible, because it may lead to undesirable consequences.

Concerning (10) and the question of fairness, I would agree that one should ask: Is it fair that people who ought not, will die because of mistakes and abuses? But fairness is a double-edged sword. One must also ask: Is it fair that those who ought to die will not be allowed to do so? Better yet: Is it fairer to prevent the many who ought to die from doing so in order to protect the few who ought not? And at what point does one draw the line? Would it be fairer to let one thousand, 10 thousand, or 100 thousand suffer in order to prevent the unjust death of, let us say, one man?

This is a difficult and heartrending question. I know of no easy answer. But it seems almost self-evident that if the criterion is to be fairness, then fairness demands that we examine and weigh both sides. Moreover, if the

criterion is to be fairness, and someone must pay the piper, then the very best we can do is to minimize and equitably distribute the unfairness.

I now turn to the consequentialist argument which has the greatest intuitive appeal, namely, that:

(11) One ought never kill an innocent human being, because such an action *must* lead to undesirable consequences.

There are many varieties of this argument, but I shall only consider what I believe to be its most compelling forms:

(11:1) One ought never kill an innocent human being, because such an action must lead to a universal contempt for all life.

(11:2) One must never sanction the practice of euthanasia because such an action must lead to the killing of the chronically ill, the senile, the mentally defective, the socially unproductive, and/or the ideologically unwanted.

As to (11:1): Here the forgotten hero is Albert Schweitzer, for, unlike most moralists, Schweitzer insists that the principle of reverence for life is universal in scope. Whenever possible no living thing should be killed.²⁴

To the truly ethical man, all life is sacred, including forms of life that from the human point of view may seem to be lower than ours.²⁵ . . . A man is truly ethical only when he obeys the compulsion to help all life which he is able to assist, and shrinks from injuring anything that lives. He does not ask how far this or that life deserves one's sympathy as being valuable, nor, beyond that, whether and to what degree it is capable of feeling. Life as such is sacred to him. He tears no leaf from a tree, plucks no flower, and takes care to crush no insect. If in summer he is working by lamplight, he prefers to keep the window shut and breathe a stuffy atmosphere than see one insect after another fall with singed wings upon his table.²⁶

Schweitzer's work is seldom referred to by advocates of the SLP. At first I thought this was merely an oversight, but I suspect that there is more to it than that. If the idea of killing²⁷ is in itself contagious (which seems to be the shared underlying premise), then why stop at the idea of

killing human beings? If it is contagious, then surely the idea of killing any living being is just as contagious, and Schweitzer's conclusion follows. But non-Schweitzerians are reluctant to draw this conclusion. Perhaps they recognize the danger. Perhaps they sense that his interpretation cannot stand, and that if Schweitzer's can't, theirs can't.

The basic issue is whether or not the idea of killing is contagious—that is, whether or not a person, group, or society exposed to actual killing or the idea of sanctioned killing universalizes and thereby extends this domain. I maintain that this question is best answered in the negative; that there is overwhelming evidence indicating that human beings compartmentalize their experience and ideas; and that it is only when the normal process of compartmentalization breaks down that one encounters difficulties.

This does not mean that human beings don't generalize. But it does mean that in the normal process of generalization there are constraints, and one of the more important constraints is that the process is limited by the concept of "same kind or same class of objects." For example, if we crush an insect and believe this to be a permissible act, we do not conclude that it is permissible to kill all living things. We conclude only that it is permissible to kill that kind of insect, or at most, all kinds of insects. Similarly, if we are taught to kill Nazis and the criteria for a Nazi and the circumstances of permissible killing are clearly spelled out, we do not kill all German nationals (although of the possible mistakes this is probably the most likely). We do not mistakenly generalize and kill all Europeans. Nor do we proceed either in fact or in mind to kill all human beings.

In other words, (11) and its cognates share a common premise, and I am urging that that premise is not true. The evidence indicates that the killing of human beings in "X" situations does not necessarily lead to the killing

of human beings in non-"X" situations. Or to be more concrete, the merciful killing of patients who want to die does not necessarily lead to the killing of the unwanted or the extermination of the human species. I think this is true; but I would like to add that my beliefs are not synonymous with truth. I may be mistaken. For the question at issue is not one of beliefs, nor is it a matter of metaphysical mystagogy. It is a question of fact, and one that needs to be more fully explored by social scientists.

Questions of Ultimacy and Supremacy

Various interpretations of the sanctity-of-life principle have been examined, but thus far we have only considered those which admit or provide grounds for validation. There are other interpretations which do not possess this characteristic, and we would not be doing justice to them if we did not consider at least one other claim, namely, that:

(4) The sentence "One ought never kill an innocent human being" expresses an ultimate moral principle.

In order to understand this claim, a fundamental distinction, often badly neglected or blurred beyond recognition, must now be drawn: When we speak of an "ultimate principle" we may, within a given theory, be referring to that characteristic whereby the principle is the final arbiter of any conflict of values. On the other hand, we may be referring to that characteristic whereby the principle in question cannot be reduced to, or justified by an appeal to, other rules or principles. In the first case, the case of "ultimate¹," the word is held to be partially synonymous with the word "supreme"; in the case of "ultimate²," there is an overlap with the meaning of the word "primitive".

Given sentence-type (4) and the existence of this ambiguity, the following may be obtained.

(12) The sentence "One ought never kill an innocent human being" expresses a supreme (ultimate¹) moral principle, a principle that is the final arbiter.

(13) The sentence "One ought never kill an innocent human being" expresses an ultimate (ultimate²) moral principle, a principle that cannot be reduced to, or justified by an appeal to, other rules or principles.

As to (13): It is a truism to say that ultimate principles are ultimate. Similarly, it is true, but not very enlightening, to say that if a principle in a given theory is held to be the ultimate validating principle, then it is held to be ultimate. A more interesting internal question is whether the purported principle is actually the one that is held to be ultimate. That is to say, is the notion of "not killing" the ultimate validating principle here?

By way of reply, first notice that the word "innocent" is included in this formulation. Notice also that this implies that what is ultimate is some principle of justice, and not the notion of not killing. For if the ultimate constraint is that of protecting the innocent, then it seems to follow that the ultimate validating principle is one of justice.

It may be charged that (13) is a "loaded" formulation. I agree. But I am curious to know what other formulation would be better. Is it better to delete the word "innocent" and suggest that it is never permissible to kill a human being? Or, in the linguistic mode, to maintain that:

(14) The sentence "One ought never kill a human being" is an ultimate moral principle.

Perhaps. At least it reflects the sincere belief that human life should be placed above all other considerations and that it is never right to kill a human being. To reply by saying, quite correctly, that neither the major religions nor the general literature assumes such a position, is not relevant (although it does indicate the direction in which the general sentiment lies). However, other objections, which turn on the problem of self-defense and the dubious distinction between allowing one's self to be killed by another person and directly killing (which would be inconsistent), are not so easily met. Suffice it to say that if

the choice is between (13) and (14), then either one has to accept the fact that (13) is not an ultimate principle, or one must accept the consequences of (14).

As to (12): Here we turn to the heart of the matter: namely, the belief that the prohibition of killing is the supreme moral principle, and that as such it is overriding, the final arbiter. The question I wish to raise is, why the prohibition of killing and not some other principle?

There is something systematically misleading about talking about principles rather than rules. But if one insists on talking in the language of principles, if the existence of conflicting principles is a fact of moral life, and if intelligent men advance and support different principles, why should we choose this one? Why the SLP? It will not do to say that the truth of the matter is self-evident. This not only begs the question, but flies into the face of overwhelming evidence. Nor will it do to claim that all ultimate principles are supreme, for this muddles different dimensions. It is like saying that the last boy living on the block must be best, because he is last.

Instead of (12), why not say that one should always act with love? Why not say that in some situations love demands that we kill? If it be objected that a love ethic is too fulfilling, or that to act lovingly is to exceed the demands of morality, then the reply is disarmingly simple. If the love ethic is too broad (too rich, which it seems to be), and the vitalistic ethic too narrow (too poor, which it seems to be), then if one must make a choice, the love ethic is better, since it is at least rich enough to account for the wide diversity of moral experience.

However, I do not wish to give the impression that the love principle is the only one that can be successfully matched against the SLP. Indeed, I have repeatedly maintained that there are times when one ought to kill because killing is the kindest possible thing we can do.

This would follow from a love ethic, but it also follows from the rule of benevolence. The rule of benevolence says that:

. . . We owe to all men such services as we can render by a sacrifice or effort small in comparison with the service; and hence, in proportion as the needs of other men present themselves are urgent, we recognize the duty of relieving them out of superfluity.²⁹

The rule suggests that we ought to be kind; that, where we can, we ought to help those who are in need or distress.

The rule of benevolence has its share of difficulties—the problem of justification, the problem of explicating the meaning of the word “benevolence,” the problem of how to determine the consequences of an action, and so forth. Nonetheless, much can be said for the other side of the ledger. Even though it is difficult to do, rationality demands that we consider the consequences of a proposed act. Admittedly, the notion of benevolence is difficult to explicate. But I think it is also true, that as compared to more obscure notions like “The Good,” it is easier—note that I did not say “easy”—to reach agreement as to when people are suffering, and as to what would relieve their suffering.³⁰

References

1. See: Charles J. McFadden, *Medical Ethics* (Philadelphia: F.A. Davis, 1967); Edwin F. Healy, *Medical Ethics* (Chicago: Loyola University Press, 1956); and Norman St. John-Stevan, *The Right to Life*, (New York: Holt, Rinehart and Winston, 1964). Daniel Callahan (“The Sanctity of Life” and “Responses” in *The Religious Situation 1969*, edited by D.R. Cutler; Boston: Beacon Press, 1969) does not make any direct religious appeal, but concludes that the ultimate justification for a normative principle is that it coheres with “our entire reading of the nature of things” and that it “makes sense in terms of our metaphysics” (p. 359). The interesting question is, from what metaphysic has he deduced or established his version of the SLP?
2. Albert Schweitzer, *Out of My Life and Thought* (New York: Mentor Books, 1953), especially the “Epilogue.”

3. Edward Shils, "The Sanctity of Life," in *Life or Death: Ethics and Options*, edited by E. Shils et al. (Seattle: University of Washington Press, 1968), pp. 2-38.
4. Yale Kamisar, "Euthanasia Legislation: Some Non-Religious Objections," in *Euthanasia and the Right to Death*, edited by A.B. Downing, (New York: Humanities Press, 1970), pp. 85-133.
5. Charles J. McFadden, *op. cit.*, p. 227.
6. Norman St. John-Stevas, *op. cit.*, p. 12.
7. Albert Schweitzer, *op. cit.*, p. 184.
8. Edward Shils, *op. cit.*, p. 12.
9. *Ibid.*, pp. 18-19.
10. Margaret English, "Lead-Poisoned," *Look*, October 12, 1969, p. 114.
11. Nancy Hicks, "Lung Cancer in Men Expected to Show Sharp Rise," *New York Times*, November 4, 1969.
12. Nicholas Johnson, "Dear President Agnew. . .," *The New York Sunday Times Theatre Section*, October 11, 1970, p. 17.
13. Shils, *op. cit.*, p. 18.
14. *Ibid.*, pp. 11-12.
15. *Ibid.*, p. 2.
16. There is an added proviso to this, namely, that in cases of conflict this rule should yield to the principle of suffering—that it is always wrong to cause unnecessary suffering. Hence, in cases where this rule conflicts with the aforementioned principle, the decision-making process should be more complex than that suggested above.
17. A similar argument is used to support the claim that euthanasia is not merciful. For a reply, see Marvin Kohl, "The Word 'Mercy' and the Problem of Euthanasia," *The American Rationalist*, 9:10 (1965), pp. 5-7.
18. *A Living Will*, prepared and printed by the Euthanasia Educational Fund, 1969, reprinted 1970. "A form to be filled out by a person of sound mind and after careful consideration, indicating to his family, physician, clergyman and lawyer, his wishes in case of his own incapacity or terminal illness."
19. Henry Sidgwick, *The Methods of Ethics*, second edition (London: MacMillan, 1877), p. 263.
20. Norman St. John-Stevas, *op. cit.*, p. 17.
21. Edward Shils, *op. cit.*, pp. 14-15.
22. Joseph Fletcher, "Elective Death," in *Ethical Issues in Medicine*, edited by E.F. Torrey (Boston: Little, Brown, & Co., 1968), p. 145.
23. A contradictory sentence is a simple sentence in which the predicate term is the precise denial of the subject term. For a more adequate characterization of a fully contradictory sentence, see: Jerrold J. Katz, *The Philosophy of Language* (New York: Harper & Row, 1966), p. 198.

24. The principle of the reverence for life says that, generally speaking, one ought not kill anything, and that the principle of not-killing "must be the servant of, and subordinate itself to, compassion"; moreover, there are times when we are forced to decide which life we will sacrifice in order to preserve other lives. See: *Indian Thought and its Development* (Boston: Beacon Press, 1960), pp. 83-84; *The Teaching of Reverence for Life* (New York: Holt, Rinehart and Winston, 1965), pp. 47-49.
25. *The Teaching of Reverence for Life*, p. 47.
26. Albert Schweitzer, *The Philosophy of Civilization* (New York: MacMillan, 1960), p. 310.
27. It is not exactly clear what the relation is between having the idea and actually killing, but the literature assumes that there is a direct causal relation. Whether this is true or not is another matter, one that should be more carefully explored.
28. (12) and (13) have the added proviso, "given 'X' moral theory." For either the statements are not true, or this proviso is implied. The latter alternative recommends itself, since it is evident that the moral principle in question is not the ultimate validating principle in all, or even most, moral theories.
29. Henry Sidgwick, *op. cit.*, p. 232.
30. I am indebted to Karl Popper for a similar point.