



# ISSUES OF LIFE

KENNETH ALONSO, MD, PHD, FACP

# Capital punishment

- ▶ Idolatry, blasphemy, adultery, and murder were capital crimes in Israel.
- ▶ In practice, ... these punishments were almost never invoked, and existed mainly as a deterrent and to indicate the seriousness of the sins for which they were prescribed.
- ▶ The rules of evidence that the Torah provides to protect the accused made it all but impossible to actually invoke these penalties ...
- ▶ Two witnesses who were visible to each other and warned the offender and witnessed the act. No circumstantial cases were permitted.

# Capital punishment

- ▶ Israel lost the right to inflict such punishments when it became subject to Rome.
- ▶ The system of judicial punishments could become brutal and barbaric unless administered in an atmosphere of the highest morality and piety.
- ▶ When these standards declined among the Jewish people, the Sanhedrin ... voluntarily abolished this system of penalties
- ▶ Maimonides [Mishneh Torah, Hilchoth Sanhedrin Chapter 15]
- ▶ In the modern state of Israel, it has been applied twice by courts.

# Capital punishment

- ▶ If anyone kills a person—unless it is for murder or for spreading mischief in the land—it would be as if he killed all people. And if anyone saves a life, it would be as if he saved the life of all people (Al-Qur'an 5:32).
- ▶ Take not life, which God has made sacred, except by way of justice and law. Thus does He command you, so that you may learn wisdom. (Al-Qur'an 6:151).
- ▶ In Islamic law, the murder victim's family is given a choice to either insist on the death penalty or to pardon the perpetrator and accept monetary compensation for their loss (Al-Qur'an 2:178)
- ▶ Blasphemy is a capital crime

# Capital punishment

- ▶ Capital punishment assumes the moral accountability, in the present life, of the offender
- ▶ In the context of a moral universe, premeditated murder is unique in terms of significance and severity of consequence.
- ▶ By Biblical standards, it is the one crime for which there exists no possible ransom or restitution [Num. 35].
- ▶ It is precisely the acknowledgment of the reality of “good and evil,” as well as moral accountability in the present world

# Capital punishment



- ▶ Compassion, when it is anchored in objective morality, is redemptive and restorative in nature.
- ▶ Historically, this has meant that compassion has been (necessarily) directed toward the victims of crime. “
- ▶ “When the sentence for a crime is not quickly carried out, the hearts of the people are filled with schemes to do wrong” [Eccl. 8:11].

# Capital punishment

- ▶ Compassion” that is directed toward the violent criminal, at the expense of the truly oppressed victim is to abandon the criteria of righteous and just punishment
- ▶ It is to abandon all criteria for punishment.
- ▶ Thus, punishing the innocent can be justified, since it has nothing at all to do with desert.
- ▶ Moreover, in a moral vacuum, retribution and restoration are indistinguishable from revenge., is a moral-legal miscarriage [Isa. 10:1-4]

# Capital punishment

- ▶ Historically, the Christian church has affirmed the right of the civil magistrate in matters of capital justice.
- ▶ Pope Francis has moved unilaterally to alter long-standing Catholic teaching on the matter (2019)



# Suicide

- ▶ Suicide is a rejection of God's absolute sovereignty over life and death. [Wis. 16: 13; Tob. 13: 2]
- ▶ "Compassion leads to sharing another's pain; it does not kill the person whose suffering we cannot bear."
- ▶ John Paul II *Evangelium vitae* 1995 Vatican
- ▶ What is the motivation for suicide?
  - ▶ One's life is not intelligible?
  - ▶ Rejected by a suitor?
  - ▶ Disability?
  - ▶ Defiance?
- ▶ How to distinguish moral confusion from depression?

# Suicide



- ▶ Was the suicide of Socrates a moral act as he accepted the unjust decision of the Athenian tribunal?
- ▶ Was the suicide of Seneca preferable to the expected torture of Nero [who ordered the act]?
- ▶ Was the suicide of Sophronia, a Christian martyr, preferable to the submission to the persecutions under Diocletian?
- ▶ Should one seek martyrdom by deliberately exposing himself to persecution?
- ▶ Suicide attempts are no longer prosecuted. What penalty would one apply? Death?

# Euthanasia

- ▶ Passive euthanasia is allowing a natural process of dying to continue without medical intervention.
- ▶ A competent individual (a legal term) is not obligated to seek medical assistance nor to maintain basic metabolic needs such as hydration and caloric intake.
- ▶ But, depression may be an underlying factor in the decision to stop living. This is suicide.
- ▶ Often it is a utilitarian view of life that drives this moral confusion.
- ▶ Emotional support and spiritual counseling are strongly advised

# Euthanasia



- ▶ Relieving pain and anxiety in the last few days of life with “terminal sedation” is not euthanasia.
- ▶ It is begun if the patient consents and does not begin while the patient retains significant mental function.
- ▶ As tranquilizing and pain relieving agents begin to accumulate, the patient begins to slip into a light coma.
- ▶ The administration of morphine to a dying patient in the last moments of life to reduce the anxiety of dying is not euthanasia.
- ▶ They may hasten death.
- ▶ It is an example of the principle of double effect.

# Euthanasia

- ▶ Active euthanasia involves an affirmative action to seek death.
- ▶ It may be through drug overdose or hypoxia, for example.
- ▶ The patient alone undertakes the activity.
- ▶ Who prescribes the medications? Who retrieves the medications so that the patient has them at hand?
- ▶ Is the only difference between active euthanasia and physician assisted suicide is that in the former the patient supposedly acts “alone” while in the latter the physician administers the lethal treatment?
- ▶ How is that not murder?

# Euthanasia

- ▶ In all Islamic countries, in accordance with religious beliefs, direct euthanasia is prohibited and is equated with murder.
- ▶ In Orthodox Christian countries, euthanasia is equated with murder, albeit with mitigating circumstances
- ▶ In the Netherlands, Belgium, and Luxembourg, it is permitted
- ▶ Physician assisted suicide is permitted in Washington and Oregon
- ▶ Yet physicians are not permitted to be involved with capital punishment.

# Palliative care

- ▶ This is end of life care whose goal is to maintain as much patient independent function as is possible for as long as it is possible.
- ▶ Therapeutic interventions are largely foregone.
- ▶ For example, chemotherapy is discontinued.
- ▶ There will be no attempt to resuscitate the patient.
- ▶ However, a bowel obstruction may be treated.
- ▶ Often it involves effective pain control
- ▶ There is no excuse for not controlling pain.
- ▶ However, there are many societies where pain control is not practiced because of police concerns.

# Life support and extraordinary measures

- ▶ All ordinary means must be used to preserve life, such as food, water, exercise, and medical care. [Dt. 5:17; Ex. 20:13]
- ▶ Since the middle ages, however, Christian theologians have recognized that human beings are not morally obligated to undergo every possible medical treatment to save their lives.



# Life support and extraordinary measures

- ▶ Treatments may become morally extraordinary for that person, even if they are otherwise medically ordinary or common.
- ▶ They may choose to use them, but they are not morally obliged to do so.

# Life support and extraordinary measures

- ▶ For example:
- ▶ Unduly burdensome or sorrowful to a particular patient (amputation)
- ▶ Beyond the economic means of the person or the society (the latest cancer therapies or HAART therapy for AIDS)
- ▶ Or which only prolong the suffering of a dying person
- ▶ Jehovah's Witnesses may refuse to accept blood products. It will be the rare court that compels to do so.

# Life support and extraordinary measures

- ▶ In the last hours, even days, of a patient's life, or if a sick person's body is no longer able to process food and water, there is no moral obligation to provide nutrition and hydration.
- ▶ The patient will die of their disease or their organ failure before starvation or dehydration could kill them.

# Life support and extraordinary measures

- ▶ However, when the withdrawal of nutrition and hydration is intended to kill the person, or will be the immediate and direct cause of doing so, quite apart from any disease or failure of their bodies, then to withdraw food and water would be an act of euthanasia.

# Life support and extraordinary measures

- ▶ The key principle is that one does not will to cause death.
- ▶ When a person has an underlying terminal disease, or their heart, or some other organ, cannot work without mechanical assistance, or a therapy being proposed is dangerous, or has little chance of success, then not using that machine or that therapy results in the person dying from the disease or organ failure they already have.

# Life support and extraordinary measures

The omission allows nature to take its course. It does not directly kill the person, even though it may contribute to the person dying earlier than if aggressive treatment had been done

# Life support and extraordinary measures

- ▶ Mechanical ventilation is an extraordinary measure.
- ▶ There is no moral obligation to initiate mechanical ventilation.
- ▶ However, once begun, if there is no improvement in the underlying condition for which ventilation was begun, withdrawal is problematic without the consent of the patient.
- ▶ Consultation with the hospital attorney is suggested.
- ▶ It is not common for courts to terminate care because a hospital or physician believes the treatment is futile.