

Ritual Torture

It is Christmas, a time at which many people celebrate the birth of Jesus, a man who was ritually tortured to death for uttering forbidden speech.

It is unclear how much of the Jesus story is true, but undoubtedly, ritual torturing to death was a horrible and widespread reality at the time. It was one of the mechanisms by which the Roman empire affirmed and entrenched the values by which it lived, namely order, deference, and obedience to authority. Such a practice is alien and incomprehensible to us. In addition to having better values, our society has utterly different, infinitely more wholesome, ways of affirming its values, does it not?

Committing suicide is a fundamental human right: if we do not own our own bodies, what do we own? Like all other rights, it is legitimate to exercise it only when this does not violate the rights of others. So the pilot of an aircraft in flight does not have the right to shoot himself if by doing so he murders his passengers. Correspondingly, they have the right forcibly to keep him alive – even if he is undergoing great suffering and is desperate to end it. Indeed, they have the right to force him, by torture if necessary, to perform his contractual obligation to land the aircraft. But the instant they have landed safely (or if they find an alternative pilot on board, or any other non-violent way of saving themselves), their right to keep him alive, or to torture him in any other way, abruptly ends.

Logically, aiding and abetting such torture – or the exercise of any other right – is also a right, since forbidding such help is tantamount to forbidding the helpless to exercise the right itself.

Whether the existing state of the law respects the right to torture in self-defence, or to aid and abet such torture, is unclear. But in most jurisdictions today it certainly does not respect the right to commit suicide, nor the right to assist in one. The justification for this position, though it has widespread popular support (just as crucifixion did in Roman times), is morally empty. It is a sort of formal obeisance to the rule that murder is wrong, in a way that contradicts the substantive purpose of that rule (which is to prevent a person's body from being used as a means to someone else's ends and contrary to his own). Nevertheless, it is supported as a symbol of our society's 'respect for life'. It is a mechanism by which

our society seeks to affirm and entrench the values by which it lives.

As part of this symbolic posturing, many people who at this moment are terminally ill and undergoing such suffering that they are desperate to die, are being forcibly prevented from doing so. That is to say, they are being ritually tortured to death.

One small further consequence of that injustice is that Dr Jack Kevorkian **is still in jail** in Michigan for trying to prevent a patient from being tortured – i.e. for assisting that patient to commit suicide. It is grimly appropriate that the Governor of Michigan has just refused to grant Kevorkian a compassionate parole. Despite the fact that he has harmed no one and is a danger to no one, and despite the fact that he himself is now gravely ill *but wants to live*, she considers it more important to leave him in the conditions that may end his life prematurely, just to set an example to other doctors whose humanity and integrity may tempt them to help their patients. She is, one might say with very little hyperbole, ritually torturing him to death.

Furthermore, note that in reality, assisted suicide is a very widespread practice. But other doctors do it discreetly and deniably. So what really landed Kevorkian in his current predicament was not so much the crime of which he was convicted, but his forbidden speech. He recklessly uttered the justifications that the others ritually deny.

May he survive his ordeal, and may he live to see the repeal of the obscene laws that he has defied.

Merry Christmas.

Sun, 12/25/2005 - 11:13 | [digg](#) | [del.icio.us](#) | [permalink](#)

super awesome

super awesome

-- Elliot Temple

<http://www.curi.us/>

by [Elliot Temple](#) on Sun, 12/25/2005 - 18:55 | [reply](#)

Well said!

That was fantastic post!

by [AIS](#) on Sun, 12/25/2005 - 21:35 | [reply](#)

Tortuous logic,

but otherwise well written and thought provoking. Sounds like that hypothetical pilot was having a rather bad day. Maybe Dr.

Kevorkian is not having such a bad day as all that, although prison

food is unpalatable; except perhaps on special holidays.

by a reader on Mon, 12/26/2005 - 23:05 | [reply](#)

Seems that the primary proble

Seems that the primary problem as even you state it is the pain of dying, not the manner of death. I don't believe you have spent much time with the dying; for if you had you would likely have found that most opt to live as long as they can if they are not in pain. Most people will hang on to the water glass even if it's almost empty. There is always that last drink.

Better pain treatment, better end of life care, better education of stupid fucking doctors on the fact that everyone dies and it is just not the losers who go, would all help many people die in peace and dignity. Health care that actually accepted that dying is not some kind of insurance scam would also help.

If a few want to opt out earlier, that's cool. Fact is most don't and never will. So your rant is aimed at the 5-10 percent who would and you miss the problems of the 90-95 percent of the population who would never take early retirement plan seriously.

The fear is yours. You are so afraid of death and dying that you are already screaming for a back door. You want it, take it. But in the end the odds are heavy that if you can lay there relatively free from pain, you will do so, and be very anxious to do so. There is always that one more visit from a loved one, that one more chance to see your grand child. That's life. And like it or not we humans cling to it.

by kalapu on Tue, 12/27/2005 - 11:05 | [reply](#)

Szasz on Kevorkian

Good article, I agree with you that a person has a right to end his life and thereby has the right to obtain assistance of others. However, as to Kevorkian, there may be some question as to whether he acted appropriately. For example, [this article](#) suggests it's unclear whether Kevorkian checked well enough that Youk really wanted to die, or might have changed his mind, before he gave the lethal injection. And Thomas Szasz also has some [interesting critique](#) of Kevorkian.

Henry Sturman

by [Henry Sturman](#) on Fri, 12/30/2005 - 00:37 | [reply](#)

Kavorkian liked to see people dead

The stoics argued that a man had the right to end his life when it became unlivable...

However, if you look at societies where such ideas reigned, you see one where the less powerful have their lives ended for them...

Doesn't matter if it is ancient Rome, Ancient Greece, the

Netherlands, Samurai Japan or what...

The dirty little secret is that euthanasia is about getting rid of inconvenient people...and give Europe ten or twenty years, and you will see them euthanizing people for economic reasons...unless, of course, sharia law takes over...

As for Kavorkian, he got his name years before he started killing people...as a pathologist, he used to visit dying people so that when he did their autopsy it would be more "interesting"...so the nurses called him Dr. Death...

by [boinkie](#) on Fri, 01/06/2006 - 23:41 | [reply](#)

re Kavorkian liked to see people dead

So what?

When Alan Turing was convicted of homosexuality, he worried that people would use the syllogism:

Turing thinks that machines can think.
Turing sleeps with men.
Therefore machines cannot think

You are using the identical logic:

Kavorkian thinks that people have the right not to be tortured.
Kavorkian liked to see people dead.
Therefore I have the right to torture people.

You have the right to use your deep insights into history and psychology to run your own life, but not other people's.

by a reader on Sat, 01/07/2006 - 02:12 | [reply](#)