



COLLEGE OF HUMANITIES

SCHOOL OF PHILOSOPHY, RELIGION, AND CLASSICS

“A THEOLOGY OF HUMAN DIGNITY”

FOR CHILDREN WHO ARE BORN WITH ACUTE PHYSICAL AND MENTAL
CHALLENGES GROUNDED ON THE SOCIAL TEACHING OF THE ROMAN CATHOLIC
CHURCH IN KWAZULU-NATAL, SOUTH AFRICA.

THESIS SUBMISSION TO THE COLLEGE OF HUMANITIES IN THE SCHOOL OF
PHILOSOPHY, RELIGION, AND CLASSICS, IN FULFILMENT OF THE REQUIREMENTS
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DECLARATION

I, the undersigned student, declare that this thesis is my original work and has never been submitted to any college or university for academic credit.

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DEDICATION

This thesis is dedicated to

My late father, Athanzio Mubelu Ngoma

and

My late mother, Frances Luhanga

and

To all the siblings of the Mubelu Ngoma family.

ACKNOWLEDGEMENTS

I wish whole-heartedly to thank God, the Almighty Father for having given me the gift of intelligence and wisdom to always search for the truth. I thank the Almighty for having given me my parents, who brought me to life and cared for me up to this day.

May I sincerely thank my father, Athanzio Mubelu Ngoma, and my mother, Frances Luhanga, for their love for me and the entire family. They did all they could in their capacity to educate me and prepare me for the achievement of higher values, which have taken me this far. May they rest in eternal peace.

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Finally, special greetings to myself, for the courage to undertake a path where even angels sometimes hesitate to tread.

LIST OF ABBREVIATIONS

AAS	Acta Apostolicae Sedis
CCC	Catechism of the Catholic Church
CIC	Codex Iuris Canonici (1983)
DH	Dignitatis Humanae
DS	Denzinger Schonmetzer
DV	Dei Verbum
DV	Donum Vitae
EV	Evangelium Vitae
GS	Gaudium et Spes
HV	Humanae Vitae
JB	Jerusalem Bible
LG	Lumen Gentium
MM	Mater et Magistra
NP	Neuner Dupuis
NE	Nicomachean Ethics
NRSV	New Revised Standard Version
PT	Pacem in Terris
PP	Populorum Progressio
STH	Summa Theologiae
VS	Veritatis Splendor

ABSTRACT

Almost every day, world-wide, women, young and adults give birth to a child. The birth of a child becomes a moment of joy. It becomes a vivid reality of the maintenance and continuation of the family lineage. It is therefore a unique blessing to the family and society. Unfortunately, there are mothers who give birth to children with physical and mental disabilities. Such situations may give rise to frustration among couples. It may, in some cases, create an atmosphere of hopelessness and fear of coping with the reality of living with a child. In extreme cases, most parents are left in a dilemma, not knowing what to do. It is within this context that some mothers and families resort to drastic choices that are detrimental to the life of a child with disabilities. Some mothers and families may opt to abandon the child by stopping to provide the child with the basic human needs that would sustain its well-being. Children who are born with disabilities seem to be victims of child abuse of that nature.

There has been an advocacy in the country (South Africa) on issues of human rights especially the rights of children in general and specifically children with disabilities¹ since the end of apartheid and the dawn of democracy, yet the fundamental rights of children with disabilities are still being violated. There are several instances of children with disabilities and other medical conditions being abandoned, dumped in inhuman conditions and in extreme cases, instant death is induced on them. Children with disabilities are often side-lined in society. In this regard, the issue of children being abandoned is one of the major bio-ethical issues that is of great concern in this study. It is within this context that the research work will study the situation of children who are born with disabilities in KwaZulu-Natal in South Africa as means of addressing the existential problem. The thesis opens a pro-life theological discussion for children with disabilities that is grounded on the Social Teaching of the Catholic Church that is relevant to children with disabilities in the area in question. The scope of the study is to bring about a theology of human dignity that would bring about integral human development in the region.

The current research project will study the situation as outlined: the first chapter will study the socio-political situation of the region concerning children with disabilities. The second chapter will make an in-depth investigation on the cultural and ethical reasons why children are abandoned. The third

¹ The Human Rights Council Resolution 26/20, (2015), *On the Rights of Persons with Disabilities to Social Protection: Special Rapporteur Questionnaire to States Parties*, Republic of South Africa and Response from the Government of South Africa, 9. It states: "Since 1994 the government has formulated various policies to address the inequalities which were embedded in the policies pursued by the apartheid regime. The policies have focused on empowering previously disadvantaged groups including women, children, and disabled persons. These policies are contained in various policy documents such as the Reconstruction and Development Programme (RDP), Growth, Employment, and Redistribution (GEAR) and the Integrated National Disability Strategy (INDS). The need for relevant data and information on prevalence and experience of disability has increasingly grown because of the need to monitor and evaluate the impact of these policies. (*Child Care Act 38 of 2005*, Gazette No. 28944, Notice No. 610. Chapter 2, Section 2, Article 11, 1 and 2.)

chapter will study the different concepts of human dignity, ethical perspectives and examine the contemporary implications of child homicide. The fourth chapter will further make a theological evaluation of the various concepts of human dignity in reference to the Social Teaching of the Catholic Church as given in *Gaudium et Spes* and *Evangelium Vitae*.² The fifth chapter will formulate a Theology of Human Dignity that would be in accord with children born with disabilities and that would be consistent with issues of the rights of children. The sixth chapter will constitute a review of the chapters, summary findings, recommendations, and the type of Theology of Human Dignity for children.

² *Gaudium et Spes* and *Evangelium Vitae* constitute a bulk of knowledge that is part of the Social Teaching of the Catholic Church that authoritatively enshrines the main Christian values. The research will refer to these documents to highlight certain issues of human dignity in the context of the plight of children with disabilities.

TABLE OF CONTENTS

DECLARATION	2
DEDICATION	3
ACKNOWLEDGEMENTS	4
LIST OF ABBREVIATIONS	5
ABSTRACT	6
TABLE OF CONTENTS	8
GENERAL INTRODUCTION.....	13
CHAPTER ONE	15
1.THE SITUATION OF CHILDREN WHO ARE BORN WITH PHYSICAL AND MENTAL DISABILITIES IN KWAZULU-NATAL, SOUTH AFRICA	15
1.1. INTRODUCTION.....	15
1.2. DEFINITION OF TERMS AND KEY THEMES IN THE PROJECT	19
1.2.1. THE PERSON, AND HUMAN IDENTITY OF THE CHILDREN WITH DISABILITIES	22
1.2.2. THE STATE OF BEING A CHILD WITH DISABILITY	27
1.2.3. NEONATOLOGY	29
1.2.4. HUMAN GENETIC SCREENING	30
1.3. GENERAL LITERATURE REVIEW.....	34
1.4. SOCIAL-CULTURAL ANALYSIS IN KWAZULU-NATAL, SOUTH AFRICA	34
1.4.1. LIFE EXPECTANCY AND INFANT MORTALITY LEVELS	45
1.4.2. STATISTICS ON CHILD ABANDONMENT	46
1.4.3. CHILD HOMICIDE CASES	48
1.5. THE CONSTITUTION OF SOUTH AFRICA ON THE CHILDREN WITH DISABILITIES.....	52
1.6. PATHOLOGICAL FORENSIC AND REVIEW OF CHILDREN’S ACT	55
1.7. THE MAGNITUDE OF THE EXISTENTIAL PROBLEM.....	57
1.8. RESEARCH FINDINGS.....	59
1.9. CONCLUSION	60
CHAPTER TWO	62
2. REASONS FOR ABANDONING AND DUMPING OF CHILDREN WITH DISABILITIES	62
2.1. INTRODUCTION.....	62

2.2. DETERMINATION AND REASONS WHY CHILDREN ARE ABANDONED, DUMPED, AND KILLED	64
2.2.1. LEVEL OF PHYSICAL, MENTAL, AND COGNITIVE FUNCTIONS IN THE CHILD WITH DISABILITIES	69
2.2.2. A CASE STUDY OF CHILD HOMICIDE DUE TO THE DEGREE OF PHYSICAL AND MENTAL CHALLENGE OF THE CHILD WITH DISABILITIES	71
2.2.3. LIFE EXPECTANCY AND PROGNOSIS OF CHILDREN WITH DISABILITIES IN THE PROVINCE OF KWAZULU-NATAL, SOUTH AFRICA	74
2.3. SOCIO-CULTURAL BELIEFS AND TENDENCIES THAT ENTICE COUPLES TO ABANDON, DUMP AND KILL CHILDREN WITH DISABILITIES.....	77
2.3.1. HUMAN AGGRESSION.....	77
2.3.2 WITCHCRAFT BELIEFS	79
2.3.3. PARENTAL AND SOCIAL PREJUDICE	84
2.4. SOCIO-POLICAL TENDENCIES THAT INFLUENCE PEOPLE TO ABANDON AND DUMP CHILDREN WITH DISABILITIES	86
2.4.1. SOCIO-POLITICAL FACTORS	86
2.4.2. INFLUENCE OF APARTHEID	87
2.4.3. INFRASTRUCTURE DEVELOPMENT VERSUS RATIONING OF MEDICAL PROFESSIONALS IN HEALTH INSTITUTIONS	89
2.5. IMPLEMENTATION OF HEALTH POLICIES ON CHILDREN WITH DISABILITIES IN KWAZULU-NATAL, SOUTH AFRICA	91
2.5.1. COST-BENEFIT ANALYSIS	93
2.5.2. MEDICAL FACTORS THAT INFLUENCE THE DETERMINATION OF MEDICAL PROFESSIONALS TO ASSIST THE CHILD WITH DISABILITIES TO DIE.....	96
2.5.2.1. PRENATAL DIAGNOSIS OF THE CHILD	96
2.5.2.2 QUALITY OF LIFE OF THE CHILD WITH DISABILITIES	99
2.5.2.3. PAIN/TRAUMA OF THE PARENTS.....	101
2.6. BIBLICAL ANALYSIS OF CHILD HOMICIDE: IMPACT OF ORIGINAL SIN	103
2.7. CONCLUSION	105
CHAPTER THREE.....	107
3. THE DIFFERENT CONCEPTS OF HUMAN DIGNITY, ETHICAL PERSPECTIVES, AND THE CONTEMPORARY IMPLICATIONS OF CHILD HOMICIDE	107
3.1. INTRODUCTION.....	107
3.2. THE CONCEPT OF HUMAN DIGNITY IN RELATION TO CHILDREN WITH DISABILITIES	109
3.3.1. HUMAN DIGNITY AS AN ETHICAL CONCEPT	111
3.3.2. DIGNITY IS RELATIVE	113
3.3.3 HUMAN DIGNITY IS SACRED	115
3.3. THE FUTILITY OF THE CONCEPT OF HUMAN DIGNITY	117
3.4. HUMAN DIGNITY AS A CONCEPT IN THE AFRICAN DEBATE.....	118

3.5. USAGE OF ETHICAL CONCEPTS OF HUMAN DIGNITY AND APPROACHES TO THE EXISTENTIAL PROBLEM	121
3.5.1. HUMAN DIGNITY AS RIGHTS	121
3.5.1.1. SETBACKS WITH THE CONCEPT	124
3.5.2. HUMAN DIGNITY AS FREEDOM	125
3.5.2.1. POTENTIAL IMPLICATIONS OF THE CONCEPT	127
3.5.3. HUMAN DIGNITY AS RESPONSIBILITY	128
3.5.3.1. POTENTIAL IMPLICATIONS OF THE STUDY	129
3.5.4. HUMAN DIGNITY AS EQUITY	130
3.5.4.1. CRITICAL ANALYSIS OF THE CONCEPT	132
3.5.5. HUMAN DIGNITY AS NATURAL LAW	133
3.5.5.1. HOW BEST CAN IT AFFIRM OR BETRAY HUMAN LIFE	136
3.6. MORAL EVALUATIONS ON ETHICAL CONCEPTS OF HUMAN DIGNITY	137
3.6.1. SUBJECTIVE MORAL SENSE THEORY AND ITS IMPLICATIONS	140
3.7. CONJUGATION OF THE MORAL/ETHICAL JUDGEMENTS AND THE PROCESS OF THE DETERMINATION OF THE LIFE OF THE CHILD	144
3.7.1. VIABILITY OF THE LIFE OF THE CHILD WITH DISABILITIES: IS IT WORTH SUSTAINING?	145
3.7.2. DIRECT KILLING OR LETTING THE CHILD WITH DISABILITY TO DIE A NATURAL DEATH?	149
3.7.3. SELECTIVITY POLICY: LETTING PARENTS DECIDE FOR THE CHILD WITH DISABILITIES	150
3.8. CONTEMPORARY EXISTENTIAL PROBLEM AND THE IMPLICATIONS ON CHILDREN WITH DISABILITIES	152
3.8.1 THE WORLD SCENARIO	152
3.8.2. THE AFRICAN SCENARIO	153
3.8.3. THE CURRENT SITUATION OF THE CHILDREN IN KWAZULU- NATAL, SOUTH AFRICA	154
3.8.4. THE GENERAL IMPLICATIONS OF THE CONCEPTS OF HUMAN DIGNITY	155
3.9. CONCLUSION	156
 CHAPTER FOUR.....	158
4. THE THEOLOGICAL EVALUATION OF THE VARIOUS CONCEPTS OF HUMAN DIGNITY IN REFERENCE TO GAUDIUM ET SPES, EVANGELIUM VITAE AND THOMISM	158
4.1. INTRODUCTION	158
4.2. GAUDIUM ET SPES: THE DOMINANT PRINCIPAL THEORY OF HUMAN DIGNITY AND HOW IT RELATES TO THE EXISTENTIAL PROBLEM	159
4.3. GAUDIUM ET SPES AS ONE OF THE BASIC REFERENCE DOCUMENTS ON THE SOCIAL TEACHING OF THE CATHOLIC CHURCH	162
4.4. HUMAN DIGNITY AS IMAGE AND LIKENESS OF GOD: A CORE PRINCIPLE IN GAUDIUM ET SPES	164

4.5. THE CHURCH AS THE CONSCIENCE OF SOCIETY	170
4.6. THE PRIMACY OF MORAL NORMS IN HUMAN DIGNITY DISCOURSES	173
4.7. EVANGELIUM VITAE: THE DOMINANT PRINCIPLE OF HUMAN DIGNITY.....	176
4.8. EVANGELIUM VITAE AS ONE OF THE MAIN ENCYCLICALS ON THE SOCIAL TEACHING OF THE CATHOLIC CHURCH.....	179
4.8.1. SANCTITY OF LIFE: A CORE PRINCIPLE OF HUMAN DIGNITY IN EVANGELIUM VITAE	180
4.8.2. HOW RELEVANT IS EVANGELIUM VITAE IN RELATION TO THE EXISTENTIAL PROBLEM.....	182
4.10. THEOLOGICAL EVALUATION OF THE VARIOUS CONCEPTS OF HUMAN DIGNITY IN REFERENCE TO GAUDIUM ET SPES AND EVANGELIUM VITAE.....	185
4.10.1. HUMAN DIGNITY AS AN ETHICAL CONCEPT	186
4.10.2. HUMAN DIGNITY AS A CONCEPT IN THE AFRICAN DEBATE	187
4.10.3. HUMAN DIGNITY AS A RIGHT	189
4.10.4. HUMAN DIGNITY AS FREEDOM AND RESPONSIBILITY	189
4.10.5. HUMAN DIGNITY AS EQUITY AND NATURAL LAW	190
4.9. THOMISTIC VIEW OF HUMAN DIGNITY: THE PERMISSIBILITY OF TAKING THE INNOCENT LIFE OF THE CHILD.....	191
4.11. CONCLUSION	195
CHAPTER FIVE	197
5. FORMULATION OF A THEOLOGY OF HUMAN DIGNITY THAT IS GROUNDED ON THE SOCIAL TEACHING OF THE ROMAN CATHOLIC CHURCH THAT IS RELEVANT FOR CHILDREN WITH DISABILITIES IN KWAZULU- NATAL, SOUTH AFRICA.....	197
5.1. INTRODUCTION.....	197
5.2. THE CENTRAL THEOLOGICAL NORMATIVES OF HUMAN DIGNITY IN THE SOCIAL TEACHING OF THE CATHOLIC CHURCH.....	198
5.2.1. A UNIQUE MEDIUM FOR CREATIVITY	202
5.2.2. HUMAN WORTH AND WHOLENESS	205
5.2.3. THE DIVERSITY OF THE ART-WORK OF GOD, BASED ON JOHN 9:1-3	206
5.2.4. CREATION IN THE IMAGE AND LIKENESS OF GOD	208
5.2.5. SANCTITY OF LIFE	212
5.3. HUMAN ENSOULMENT AND CHILD DISABILITIES.....	217
5.4. THE HISTORICITY OF THE SOUL IN AN INDIVIDUAL PERSON.....	220
5.4.1. PRE-EXISTENCE THEORY	220
5.4.2. TRADUCIANISM THEORY	221
5.4.3. THE THEORY OF CREATIONISM.....	221
5.5. THE PURSUIT OF THE GREATEST GOOD THEORY FOR ALL HUMANITY	223
5.5.1. JUSTICE AS EQUITY	223
5.5.2. THE COMMON GOOD THEORY	224

5.6. FOUNDATIONS OF PROFESSIONAL BIO-MEDICAL ETHICS IN RELATION TO TREATMENT FOR CHILDREN WITH DISABILITIES.....	225
5.6.1. THE AUTONOMY OF THE CHILD WITH DISABILITIES	227
5.6.2. THE PRINCIPLE OF NON-MALEFICENCE	228
5.7. MORAL IMPLICATIONS OF THE PRINCIPLES OF PROFESSIONAL BIO-MEDICAL ETHICS ON CHILDREN WITH DISABILITIES	229
5.8. FORMULATION OF A THEOLOGY OF HUMAN DIGNITY THAT IS RELEVANT TO CHILDREN WITH DISABILITIES	230
5.8.1. THEOCENTRICITY OF HUMAN DIGNITY	232
5.9. CHILD THEOLOGY MOVEMENT	234
5.9.1. THE VISION AND MISSION OF CHILD THEOLOGY MOVEMENT	234
5.9.1.1. INTEGRAL HUMAN DEVELOPMENT	236
5.9.1.2. A THEOLOGY FROM BELOW	238
5.10. CONCLUSION	242
CHAPTER SIX	244
6. A REVIEW OF CHAPTERS, SUMMARY FINDINGS, RECOMMENDATIONS, AND CONCLUSION: COMMUNICATING A PRO-LIFE PRAXIS MODEL OF THEO-CONTEXTUAL THEOLOGY OF HUMAN DIGNITY.....	244
6.1. INTRODUCTION.....	244
6.2. A RECAP OF THE CHAPTERS.....	245
6.3. RESEARCH FINDINGS.....	253
6.3.1. SINGLE PARENTHOOD.....	253
6.3.2. CHILDREN BEING ABANDONED AND DUMPED	254
6.3.3. RECOMMENDATIONS TO THE CHURCH.....	258
6.3.4. RECOMMENDATIONS TO THE PEOPLE IN SOUTH AFRICA	259
6.3.5. RECOMMENDATIONS TO PHYSICIANS.....	259
6.4. CONCLUSION	260
BIBLIOGRAPHY	262
BOOKS	262
CHURCH DOCUMENTS	272
JOURNAL PUBLICATIONS	275
PUBLISHED DISSERTATIONS	281
RELATED NEWS AND MAGAZINES.....	282
INTERNET SOURCES	287

GENERAL INTRODUCTION

Children who are born with disabilities constitutes a group of people who are vulnerable especially in the context of scarcity of resources. The country through many constitutional forums advocates for the respect of human rights for all people and yet there exists a gross violation of human rights in general and such living conditions puts the lives of children with disabilities in danger. The present project will study this reality and give a theological response to the existential reality. It will formulate a theology of human dignity that will potentially seek to redress the well-being of the children with disabilities. It will form and inform the people in general and mothers³ on how to value children's rights. The concern for the welfare of children with disabilities constitute a major theological activity and debate in this project. The research project will employ a quantitative method in dealing with the issue. The scholarship will make use of the Social Teaching of the Catholic Church as points of reference in the process of the formulation of the theology of human dignity.

The first chapter will study the socio-political situation of children who are born with disabilities⁴. The second chapter will study ethical considerations involved and determine the reasons why many children abused. This will constitute the medical challenges involved. The third chapter will examine the different concepts of human dignity, ethical perspective of the concepts and the contemporary situation of child homicide in the region. The fourth chapter will deal with the theological evaluation of the various concepts of human dignity in relation to the Social Teaching of the Catholic Church⁵. Chapter five will construct a Theology of Human Dignity that forms and informs people on issues of children's rights with special attention given to disabled children⁶. Finally, the study will give a review of the

³ Krug, E.G., Dalilberg, L.L., Mercy, J.A., Zwi, A.B., and Lozano, R., (Eds), (2002), *World Report on Violence and Health*, Geneva: World Health Organization, 57-68. In this report, it stated that there are several factors that can lead to child abuse and neglect. One of the factors is the abusive fathers who tend to leave their wives alone and neglect their fatherly responsibility of taking care of their own children. The burden becomes too heavy for the mother alone to handle the situation. It is sometimes in this context that child abandonment is attributed to both father and mother and not the mother alone. Both are meant to be primary caregivers to their own children especially in the context children who need extra socio-medical care. The research work acknowledges the reality that there some fathers who contribute to the abandonment of children.

⁴ The current research work will make use of the term "*Disability*" although it was challenged at a certain level. The current discourse will employ this term in reference to the fact that it is a term that the United Nations uses in its official documents. United Nations, *Convention on the Rights of Persons with disabilities and optional Protocol*. The document recognizes that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others. Preamble, Article (e), 1.

⁵ The discourse will make use of the following documents of the Social Teaching of the Catholic Church namely: *Gaudium et Spes*, *Evangelium Vitae* and other relevant Church documents available. These are basically normative papal documents that addresses various social issues affecting people.

⁶ About one of the examiners' report, the current research work will make use of this phrase "*Disables children*" meaning children who are born with acute physical and mental Challenges as presented in the working title. The title at this level cannot be changed though in the document itself, for clarity's sake, we will use the above

chapters' findings, recommendations and present the type of theology that will be constructed.

phrase to mean what is stated in the working title. This is the term that is also used in the United Nation's Convention Charter on Human Rights for Children.

CHAPTER ONE

1. THE SITUATION OF CHILDREN WHO ARE BORN WITH PHYSICAL AND MENTAL DISABILITIES IN KWAZULU-NATAL, SOUTH AFRICA

1.1. INTRODUCTION

There exist unique trends of thought that seem to have emerged from certain patterns of cultural and philosophical dynamics towards children who are born with disabilities. Children that exhibit such disabilities suffer from a wide range of severe complications. In some cases, they assume unique bodily features, lacking normal human bodily shape. They sometimes suffer from severe brain complications that result in mental and growth retardation.⁷

The first chapter will explore the socio-cultural background. It will establish the reality on the ground, i.e. the human situation of the infants who are born with disabilities, in families and society. The situation calls for an urgent response, as it seriously affects human life. There are cases, known and unknown to the public, concerning the deaths of innocent, disabled children. The causes of such deaths range from premature births, neonatal sepsis, birth asphyxia and congenital abnormalities.⁸ Poverty plays a major role in this regard. Poor families are drastically affected when faced with the birth of a child with multiple disabilities. These children form part of the most vulnerable group of people in families and society. The reality is critical in rural settings and informal settlements⁹. Most parents, especially young parents, lack the capacity to manage the situation. Infants are left in precarious situations where they cannot protect and defend themselves because of their mental and physical condition. Infants are left alone, abandoned, and sometimes left to die in inhuman conditions. Given such tendencies, most children are very vulnerable. They depend on the mercy of other people for their survival, failing which they die due to lack of essential basic human needs. During certain cultural, philosophical, and democratic progression of the contemporary anthropological perception of the essence of the human person¹⁰, children born with disabilities are denied their human identity. They constitute one

⁷ United Nations, (1965), *Convention on the Rights of Persons with Disabilities, and Optional Protocol*. Article One, 4.

⁸ Cahill, L. S., (1985), *Respecting Life and Causing Death in the Medical Context*. In Jacques Pohier and Dietmar Mieth, (Eds). *Concilium: Suicide and the Right to Die*. Edinburgh: T. & T. Clark LTD. 35-37.

⁹ Reference on studies about the situation in rural areas.

¹⁰ Harris, J., (2003), *The Value of Life: An Introduction to Medical Ethics*, London: TJ International Ltd, 18-19. Harris stated that we have at least arrived at a concept of the person. On the account that has emerged, a person will be any can value its own existence. Apart from the advantage of its simplicity, this account has two other major advantages. The first is that it is value and species neutral. It does not imply that any kind of being or any mode of existence is more valuable than the other, so long as the individual in question can value its

of the most vulnerable group of people in society today. Their human integrity is seriously questioned, compromised, and threatened.

There are instances of women abandoning their children in terrible conditions, where they are left to die on their own. Per media reports by Capa, M., in her article entitled, *Violence Against Children and the Consequences for South Africa* stated that some children are left at church doors, on road pavements, in hospital corridors and other chosen places.¹¹ There are instances of merciless killings taking place immediately after the birth of the child who has been identified with physical and mental disabilities. As that journalist stated that South Africa had failed to comply with obligations to report on the status of persons with disabilities in line with the United Nation Convention.¹² It has remained a cultural issue, mostly left to the integrity of those entrusted with the task of assisting in child-birth, mostly in rural areas.¹³ Unfortunately, the literature seems limited in this regard. The absence of such discourses points to something of a deeper reality. Much of what is happening has not yet surfaced.

As it appears to be a reality in society today, it is within the mandate of this academic discourse to explore further and construct a theology of human dignity for children who are born with disabilities as a means of protecting their inherent right to life, dignity, and identity as persons. The chapter will study the situation in relation to human life. It will focus on the definition of terms and phrases that will be used in the study. Such terms and phrases will act as building blocks for the research project. The idea in this case will be to put into context what is discussed in theory in relation to reality. The chapter will study the socio-cultural analysis of the human situation in KwaZulu-Natal concerning disabled children. It is within this scope that the chapter will explore the contextual situation. The chapter will further explore certain cultural beliefs related to child-birth and general social perceptions regarding disability. It also will consider some of the environmental factors which heavily affect the development of human disabilities in general. Finally, it will examine the current legislation on the *status quo* of infants born with disabilities, through exploration of the current

mode of existence. Once this threshold is crossed, no individual is more of a person or more valuable than any other. This concept of the person sets out to identify which individuals and which forms of life have the sort of value and importance that makes appropriate and justifies our existence. Per them, the same concern respect and protection as we grant to one another. In this regard, certain cultural, philosophical, and democratic progression may entice other people to think contrary to what is stated in this statement by Harris. That kind of notion may lead to look down on other people with disabilities.

¹¹ Capa, M., (2014), *Violence Against Children and the Consequences for South Africa*, in Social Development News, <http://pmg.org.za/committee-meeting/17477/> posted on 9/23/2016. 1-7.

¹² Ibid.

¹³ Ibid. The paper indicated that the Province of Kwazulu-Natal experiences the highest rate of child abuse i.e. children with disabilities. 5.

Constitution of the Republic of South Africa, South African law on the act of abandoning children, human rights of disabled children, particularly the right to life.¹⁴ There is a general outcry in the country and many parts of the world concerning the situation of children who are born with disabilities. The public perception largely exhibits human tendencies that leave infants with such challenges to be exposed to inhuman conditions that are not conducive to human life. Infants who are born with severe challenges constitute one of the most vulnerable groups of people in society, particularly in places where illiteracy and poverty are predominant¹⁵. Children are abandoned in inhuman conditions, where survival is almost impossible, as they lack almost all basic human needs. They are exposed to deadly conditions, where death eventually occurs, if they are not found, by people of goodwill. About the research work on child abandonment, the National Adoption Coalition recognizes that the children are most unwanted are those infants who are born with acute physical and mental disabilities.¹⁶ They are regarded as a burden to the parents and the well-being of the family.

There is globally and at national level, a growing social crisis of child abandonment¹⁷, although there are no current statistics detailing the number of children who are abandoned in South Africa on an annual basis. Rather most child protection organizations believe that the numbers have increased significantly.¹⁸ There are high levels of child abandonment coupled with conflicting social perceptions regarding children who are born with disabilities. There are several factors leading to the crisis of child abandonment. One of the crucial social issues is the personal experience of the abandoning parents and the abandoned child. Research has shown that women who choose to abandon their children often find themselves in situations of desperation, sometimes not knowing what to do with the child.¹⁹ The physical act of abandonment of any child is a traumatic and alienating experience to any person who is in the right state of mind. The abandoned child is often thought to suffer from attachment disorders.²⁰

¹⁴ United Nations, *Convention on the Rights of Persons with Disabilities, and Optional Protocol*. Article One, 4.

¹⁵ Ibid.

¹⁶ Blackie, D, (2014), *Fact Sheet on Child Abandonment Research in South Africa*, in National Adoption Coalition Journal, Pretoria: South Africa's Adoption Assistance Centre, May 20 Issue.

¹⁷ Krug, E.G., Dalilberg, L.L., Mercy, J.A., Zwi, A.B., and Lozano, R., (Eds), (2002), *World Report on Violence and Health*, Geneva: World Health Organization, 57-68.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Medical Research Council, (2012), *Child Homicide Patterns in South Africa: Is there a Link to Child Abuse?* Cape Town: South African Medical Research Council, *Research Briefing August 2012*, MRC, In *Open Society Foundation for South Africa Journal*, 2-4.

Generally, young children, especially in their first to third weeks of their lives, are most at risk of total child abuse and neglect which results from contextual, physiological, mental, and emotional conditions of the time. Further reference to media reports as presented by Capa, such acts of child abandonment are common among families in some parts of South Africa especially families living in informal rural settlements as well as among those who have migrated into the urban settings, still stricken by poverty and lack of other basic human needs.²¹ Therefore, the focus of this study is on rural²² poor people who do not have access to medical and social facilities.

The current research work is aimed at addressing the current social crisis i.e. child abandonment of children in inhuman conditions that have been the cause of death among children in South Africa with special reference to KwaZulu-Natal province. The reason is since children with disabilities constitute one of the groups of people who are vulnerable in society, they are defenceless in almost all sectors of human life if left alone.

The situation of infants born with disability is preoccupying especially considering the contemporary proliferation of advancements in the medical field²³. It seems that there is a clash around the scientific human understanding of the concept of human dignity. There are certain notions of human dignity that have, to a certain extent, largely contributed to the current human malaise of the infants. These children live under conditions that may set up an environment in which they are demonised and denied the human identity and dignity accorded to 'normal' children. The project points to the gross violation of the inherent basic right to life as stated in the Universal Declaration of Human Rights and re-affirmed at the United Nations Convention of the Rights of the person with disability²⁴, a lack of proper understanding of the inherent character of human dignity imprinted in each person, regardless of his or her bodily or mental status.²⁵ Children with disabilities are found to be one of the most serious victims of such negative notions of human dignity.

²¹ Capa, M., (2014), *Violence Against Children and the Consequences for South Africa*, in Social Development News, <http://pmg.org.za/committee-meeting/17477/> posted on 9/23/2016. 1-7.

²² Ibid. Although we know about the serious situation also in urban areas, we focus our research on rural areas of Kwazulu-Natal. For a deeper reflection about the situation in other urban areas.

²³ We are adopting mostly references on the field of Bioethics to relate with the seriousness of the situation of children with disabilities. Although we could address it from other perspectives, like education, psychology, and so on, our focus will be on the relationship between Christian ethics, on the notion of human dignity, and the medical bioethics.

²⁴ United Nations, *Convention on the Rights of Persons with Disabilities, and Optional Protocol*. Article One, 4.

²⁵ Mallia, P., (1991), *On Human Rights*, Nairobi: St. Paul Publications – Africa, 47. Article 2 of the *Universal Declaration of Human Rights* states: “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status...”

1.2. DEFINITION OF TERMS AND KEY THEMES IN THE PROJECT

The first part of the first chapter deals with the social analysis. The chapter will present the current social situation regarding the gravity of the act of abandoning these children. This will be done by outlining some of the cultural and social perspectives related to children with disabilities. Per Knoetze, when he reflects on a Child Theology, it is stated that we are currently existing in a world of techno-scientific progress, in which reality is defined in relation to other realities.²⁶ As human beings, we exist in the presence of other realities of life, without which even our own existence as human beings would be jeopardised. For instance, Knoetze cited an issue relating to African Child Theology stating a profound reality of the experience such as apartheid in South Africa and the genocide in Rwanda, i.e. how they affected the lives of people and children.²⁷ We live in a society always relating to other realities and beings that shape our lives. The way parents relate to their children contributes to their growth and shapes their lives. The social component of the human being points to the fact that we exist in cyberspace, in which relationships are a major factor for our human existence. It is within this context that the project, in the first place, needs to define certain major themes and terms. There is a greater need to put into perspective the plight of children, the core human values that affect their lives and how these could best assist us to address the existential problem presented in this paper.

On the first part of the first chapter we are going to present definitions of certain terms that are crucial to this project. The quest for such a debate on a theology of human dignity for children with disabilities implies that there is need for a scholarly intervention on certain acts that deny children their rights, specifically the inherent right to life. It is therefore the claim of children's rights that is central to this discourse. It is in view of the current human experience of children with disabilities that raises certain moral questions²⁸. This is a complex subject in the sense that there are multiple external and internal realities that should be considered. External realities refer to all things that affect or define the human being from outside him or her. For instance, the article 28 of the Convention on the Rights of Persons

²⁶ Knoetze, H., (2015), *Together Towards Life and Evangelii Gaudium: Implications for African Child Theology Today*, Mafikeng: Southern African Missiological Society (Elsevier B.V.), Volume 43, Issue 2, 221. The statement implies the way how life is heavily affected by economic, medical, political, social, scientific progress of the media and technology and all other related dynamics. He stated that in Africa, we need a theological frame-work that envisions theology as an activity done with a clear regard to social transformation and faithful to gospel values. Life today is about all these realities put together.

²⁷ Ibid.

²⁸ South African Medical Research Council, (2014), *Building a Healthy Nation Through Research*, Cape Town: SAMRC Health Systems Research Unit, 36. The summary of their research findings indicated that nearly three children a day die from homicide due to abandoned babies and fatal child abuse in which children with disabilities are the most vulnerable ones.

with Disabilities, on the Optional Protocol, affirms that states parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.²⁹ In this case, one can take note that there are diverse ways in which people would take into account the external factors that could be beneficial for children living with disabilities. The internal factors could be on how the child herself or himself manages life within the context of his or her situation, acknowledging the limitations and discovering the potentials.

The reality of living with disabilities is a world-wide phenomenon. Bunge though stated that issues related to children have tended to be marginal in almost every area of contemporary theology citing, for example, that systematic theologians and Christian ethicists have said little about children with disabilities and have not regarded serious reflection on children as a high priority.³⁰ In Africa the situation is the same, but what makes a difference is the way on how African Child Theology would articulate the plight of children in general and how it could further take into consideration the welfare of children living with disabilities. Socio-cultural analysis as stated by Capa in a summary of their meeting on Social Development stated:

“The Medical Research Council briefed the Committee on the results of its study that had been carried out into violence against women, but which had included a separate investigation into violence against children and the effects on South African society. It was explained that violence included physical, emotional, and psychological violence, and that it could take the forms of child murders or homicide, sexual exploitation and trafficking, harmful traditional and cultural practices, child labour, bullying and indirect violence, perpetrated in the home, school, and community and at institutional levels, by adults and other children. Some of the events, such as infanticide or abandonment, generally occurred before the age of one year, but others, such as neglect or sexual abuse spanned the full seventeen years of childhood. Risk factors ranged from accepted societal norms, including lack of maternal care, gender disparities and attitudes, and it was stressed that these were not unique to South Africa and that the results of the study in South Africa mirrored what was happening in the rest of the world.”³¹

²⁹ United Nations, *Convention on the Rights of Persons with Disabilities and Optional Protocol*, Article 28, 20.

³⁰ Bunge, M.J., (2001), *The Child in Christian Thought*, Grand Rapids: Eerdmans Publications, 3.

³¹ Capa, M., (2014), *Violence Against Children and the Consequences for South Africa*, in <https://pmg.org.za/committee/17477/> Social Development, 1. Posted on 9/23/2016. In this research, Merwe, L., Van Der (IFP) said that there was widespread abuse of children with disabilities especially in terms of their care and misuse of their grants.

In KwaZulu-Natal, like the rest of Africa in general, it is society that determines one's identity and belonging.³² It is how society perceives the reality of living with children with disabilities that matters most, in relation to the identity of a person. To this effect, the project takes into consideration the various approaches explored by the different academic fields. The discourse will focus on the external aspect, since it is the one that has contributed to the denial of certain personalities of their inherent rights that has led to the act of abandoning children with disabilities.

The research conducted by the National Adoption Coalition of South Africa recently stated that the contemporary culture has brought about a unique world view of children with disabilities.³³ It would be completely unreasonable to discredit the advancements of the cyber world and how it has influenced change in the mind set of people. About Mandela's concern over the issue of influence of the new trends of thought pattern, a report on violence and health stated that the African socio-cultural and political dynamics have also been influenced. It states:

“[...] the twentieth century will be remembered as a century marked by violence. It burdens us with its legacy of mass destruction, of violence inflicted on a scale never seen and never possible before in human history. But this legacy is the result of new technology in the service of ideologies of hate [...] It is the pain of children who are abused by people who should protect them [...] Mandela therefore bemoaned how these new trends of thought pattern have influence people negatively and compromised the lives of children, especially the vulnerable group of children in society.”³⁴

The implications of such trends of thought pattern are vividly experienced when it comes to the life experience of children with disabilities.³⁵ The treatment given varies from place to place as people adopt the new trends of thought patterns.

³² Chaplin, K., (1996), *The Ubuntu Spirit in African Communities*, A Paper Presentation in the Government Gazette, 02/02/1996, 1. In his presentation, Chaplin said: “The cardinal spirit of Ubuntu is expressed in Xhosa one of South Africa's eleven languages as: “*Umuntu ngumntu ngabanye abantu*” understood in English as people are people through other people and I am human because I belong to the human community...”

³³ National Adoption Coalition, (2014), *Child Abandonment and Adoption in the Context of African Ancestral Beliefs in Contemporary Urban South Africa*, Pretoria: SA's Adoption Assistance Centre, reported the release of their findings stating that there was a growing social crisis of child abandonment and declining adoption rates in South Africa. This has been attributed to the current socio-cultural dynamics in the region.

³⁴ Mandela, N., In Krug, E.G., Dahlberg, L.L., Mercy, J.A., Zwi, A.B., and Lozano, R., (2002), *World Report on Violence and Health*, Geneva: World Health Organization, 1-10.

³⁵ Ibid.

1.2.1. THE PERSON, AND HUMAN IDENTITY OF THE CHILDREN WITH DISABILITIES

With regard to the human identity of children with disabilities, some people have either denied them of their identity as fully human or in some cases, some people have questioned their personalities. In some extreme cases, they have totally removed them from what it means to be human hence relegating them to the peripherals. To this effect, their basic human rights too have been withdrawn from them. The current discourse will first consider the various ethical and theological questions regarding how various scholars have defined the person, human identity and personhood in relation to children with disabilities. The definitions per se will assist us to locate and rediscover their human identity and integrity.

When we consider the definition of a person in this project, we are basically looking at the humanity of children living with disabilities in the context of whether they are recognized as fully human or not. The existential problem at hand is that children with disabilities are often abandoned, dumped in inhuman conditions where they are left to die on their own and some cases, instant death is induced on them. One of the reasons is that they are not identified as fully human hence relegating them to mere things that can be deposed. We are unique beings who have the potential of becoming and at the same time, limited to some extent. Each person is different from the other genetically though we share certain elements.³⁶ We are all human beings who are bestowed differently. The fact that others are born with disabilities does not mean that they are less human. Children who are born with disabilities are also human beings created in the image and likeness of God.³⁷ This is the point of departure as we explore the plight of children with disabilities. This world view includes several spheres of what constitutes the notion of the human person. A human person is more than just physical and mental outlook. We ought to consider the different aspects of what makes us human. If we consider all these realities of life, we will come to a profound understanding of what it means to be human. We ought to transcend all visible realities of life and discover the unique character of who we are as human beings. No doubt, defining the subject at hand could be complicated if certain aspects are not accounted for. Therefore, the discourse will consider the holistic approaches to the subject matter. Some of the definitions that are inclusive will be acknowledged.

³⁶ May, W.E., (2000), *Catholic Bioethics and the Gift of Human Life*, Huntington: Our Sunday Visitor Publishing Division, 216-217.

³⁷ McCormick, R., (2002), *The Quality of Life and Sanctity of Life*, in Messer, N., (Ed), *Theological Issues in Bioethics: An Introduction with Readings*, London: Darton, Longman and Todd Ltd, 39-43.

Considering the concept of personhood, Zizioulas' ontology rooted in some of the ancient Church Fathers³⁸ brings about a new perspective on how we traditionally understand personhood. An Orthodox perspective by Zizioulas' ontology of personhood, presents a theological shift from what used to be a traditional western theological thought. It is a concept that is rooted in the Cappadocian Trinitarian Theology.³⁹ In his thoughts, Zizioulas claimed that there is an ontological revolution against what used to be called Greek substantialism saying:

“The father is the personal cause of the generation of the son and of the procession of the Spirit – meaning the personal father generates personal otherness in the divine being.”⁴⁰

In reference to Zizioulas concept, ‘otherness’ implies personal uniqueness.⁴¹ It is primary and constitutive of the very idea of being human.⁴² The human being in reference to his ontology of personhood is therefore defined in terms of otherness i.e. the absolute other. In this way of looking at reality of personhood, Zizioulas ontology is based on the concept of ‘communion’ and ‘otherness’.⁴³ One of the major themes in Zizioulas ontology that has changed the Christian thought pattern is the primacy of personhood over nature, over necessity and over essence.⁴⁴ He stated that persons are free with respect to their nature and at the sametime, he stressed the relational character of personhood.⁴⁵ The relational component as stipulated above makes sense in the context of the plight of children with disabilities. Creating a better relationship with each other no matter how different we may be, particularly in consideration to children with disabilities, the relational concept would change our perception towards each other. Further to the above discussion, if we embrace

³⁸ Church Fathers here refers to the Cappadocian Fathers namely St. Basil the Great, St. Gregory of Nyssa and St. Gregory of Nazianzus. Regarding the Cappadocian Trinitarian Theology, there was an emphasis on the “*hypostasis*” i.e. a person supports his or her own nature in a particular way unique to itself signifying that in and through his or her communion with others, one affirms his or her identity and at the sametime, his or her particularity.

³⁹ Jiang, T., (2014), *A Critical Study on Zizioulas' ontology of Personhood*, A Thesis submitted in Partial fulfilment of the requirement for the Degree of Doctor of Philosophy, October. 2014. Hong Kong Baptist University, 21.

⁴⁰ Del Colle, R., (2001), ‘*Person and Being*’, in *Zizioulas' Trinitarian Theology: Conversation with Thomas Terrance and Thomas Aquinas*, in *Scottish Journal of Theology*, 54, No. 1, 70-86.

⁴¹ Ibid. 5.

⁴² Ibid.

⁴³ Fisher, D.A., (1996), *A Byzantine Ontology: Reflections on the Thought of John Zizioulas*, *Diakonia*: 29.1, 57-63. ‘*Otherness*’ with regard to Zizioulas thought implies personal uniqueness hence primary and constitutive of the very idea of being. In this sense, children with disabilities are also human beings very unique to themselves hence their personal uniqueness constitutes their very being as persons. ‘*Communion*’ in Zizioulas ontology of personhood implies a human being defined in terms of others i.e. otherness is generated in a relationship with the absolute other. Our unique personal being is relational hence good relations with others would enhance positive progression of human identity and integrity.

⁴⁴ Zizioulas, J., (1931), *Trinity, Personhood and Church*, Cambridge: University Press, 186.

⁴⁵ Ibid.

the advocacy and activism on human rights for children with disabilities, relational concept and the absolute other concept, would facilitate the positive progression of the dynamics involved in the existential problem as stated in the thesis.

From the above exploration, we come to the knowledge that each human person is an individual independent from the other human being hence we ought to acknowledge their rights and respect their identity as persons and not as things as other people claim. Zizioulas concept of person is one of the meaningful and coherent concepts that would bring about a new perspective in the theology of human dignity for children with disabilities. To this effect, we are on board with the ontological priority of personhood over substance and at the sametime, we also embrace the relational component of personhood as reflected in Zizioulas thought. The above reflection potentially adds value to the current academic discourse on the theology of human dignity for children with disabilities.

Further to the above discussion, Joseph Ratzinger, who later became Pope Benedict XVI, defined the “person” as the synthesis of the totality of the whole creation.⁴⁶ The person, being a social animal imbued with the special faculty of the intellect, ought to be guided by a vision untainted by simple ideological and cultural prejudices.⁴⁷ Children who are born with disabilities, are sometimes affected by certain ideologies and prejudices hence they are denied of their human identity and dignity. Ratzinger’s definition broadens our perception on how we can understand the child as a person. It also challenges us that, no matter how perfect we might be, we are all limited in one way or another. As human beings, we are not merely products that are shaped and formed to fulfil an objective, rather we are finite beings with multiple of limitations unique to each person. In this regard, it would be to consider the various insights from different fields of natural sciences. Such a bulk of knowledge will assist us to understand the reality of children living with disabilities.

Wallenfang further indicates that the notion of human personhood is fundamental to the principle of human dignity and human rights.⁴⁸ This comes into dialogue with what Ratzinger stated previously. Further to this knowledge, Wallenfang states how the phenomenological concept of givenness, found in the philosophical works of Husserl and Heidegger, offers a vital hermeneutic key to the discovery and recognition of the existence and manifestation of the human person.⁴⁹ He further explores how givenness and

⁴⁶ Ratzinger, J. (2000), *Gott und die Welt. Die Geheimnisse des christlichen Glaubens*. München: 238-239.

⁴⁷ Ibid.

⁴⁸ Wallenfang, D.L. (2010), *Givenness and Responsibility: A Phenomenological Hermeneutic of the Human Person*. 2nd CUEA International Symposium in *The Person: in search of a common denominator*. 02-04 February, 2010. 4.

⁴⁹ Ibid.

responsibility allows a human person to acknowledge his or her existence as unique, though participating in what it means to be human.⁵⁰ Human existence is therefore dependent and constitutive, knowing that there are millions of facets that make up who we are as human beings. From the above exploration, Ratzinger's definition of the person is fitting for the current debate. The person ought to be the synthesis of all creation. Our existence is unique and we participate in the full knowledge of our humanity. No matter how limited we may be, we are fully human and unique. The research project acknowledged and affirmed an inclusive definition of the person. The person ought to be understood from a broader perspective. Exclusive ideologies and cultural prejudices ought not to limit or narrow the totality of the world view of what it means to be human.

There is a Zulu wisdom which says: "Umntu ngumntu ngabantu," meaning that one person is a person in relationship with others.⁵¹ The saying summarises what the Ubuntu philosophy advocates. It is a philosophy which calls for respect, support, and acceptance of one another, regardless of one's limitations or *status quo*.⁵² Human existence, in reference to the above notion of African philosophy, is relational, implying that those who are needy or incapacitated rely on their fellow human beings for their survival.⁵³ Infants who are born with disabilities belong to this category, needing extraordinary socio-medical and moral attention. They are fully human, subject to human care. Moving forward, when it regards the current outlook on the subject matter, "human identity," seems to be one of the complex realities of the present age, considering the sky-high progress in a world dominated by science and technology. George Ellis, in his quest for humanity in science and religion, stated that the present scientific world view focusses mainly on three domains, namely "The small", referring to quantum theory and physics, "The large", referring to astronomy and cosmology, and "The everyday and the complex", referring to solids, liquids, gases, waves, heat, sound, light, materials, chemistry and life.⁵⁴ As Ellis states, a close scrutiny and analysis of the above scientific observation shows that there is a progression that takes shape, right from the small particles, known as atoms, to various chemical elements which develop into larger realities or objects. Per the above scientific understanding, the human being is the result of

⁵⁰ Ibid.

⁵¹ More, M. P., (2006), *Philosophy in South Africa under and after Apartheid* in Wiredu, K., *A Companion to African Philosophy*. Cornwall: Blackwell Publishing Ltd. 157.

⁵² Ibid. 149-157.

⁵³ Ibid.

⁵⁴ Ellis, G., (2006), *On Rationality and Emotion, Faith, and Hope: Being Human in a Scientific Age* in Shutte, A., (Ed), *The Quest for Humanity in Science and Religion: The South African Experience*. Pietermaritzburg: Cluster Publications. 3.

such small chemical combinations. In this research work, we will improvise and make use of this scientific knowledge of the human person to a certain extent, as means of trying to explore the identity of a child as a person. The definition of the term “human identity” is then not over-simplified by narrowing it to scientific empirical data alone rather it establishes the argument that before we become who we are, we owe our existence, to the humble beginnings where these small particles amalgamate forming a human being. To define human identity particularly in our present age, therefore, one needs to consider all the major facets including our biological composition that make up the identity of a person. All scientific considerations, philosophical and theological underpinnings, and genetic implications, social and cultural explorations, psychological, historical, and traditional components, political and economic aspects, and many other aspects, holistically need to be considered in this regard⁵⁵. This is to put emphasis on the fact that one’s identity is not just limited to the physical analysis of the body rather it constitutes several multiple combinations of reality.

The implication in this case, shows the fact that any limitation given to the definition of the term “human identity” would be limiting, having serious repercussions for children with disabilities. The research will certainly not expand its horizon that far, but will simply use certain components as means to establish the identity of children. Such a progression will guide the project to produce a certain pattern of thought through which a theology of human dignity will be constructed, as means of achieving integral human development⁵⁶. The research work will further consider the various significant facets of human identity disregarding the reductionist theories⁵⁷ that hamper the broader perception of what it means to be human. The proponents of reductionism include the school of thought that simply defines the human person, as a mere combination of live cells that function coherently with one another and in relation to the external world.⁵⁸

⁵⁵ . Kortner, U.H.J., (2011), *Human Dignity and Biomedical Ethics from a Christian Theological Perspective*, Pretoria: HTS Theologiese Studies/Theological Studies, 67 (3), Article No. 953, 8. This article was originally presented as a paper on the workshop ‘Dignity, Empirical, Cultural and Normative Dimensions at the Zentrum Forschung, University of Bielefeld in Germany on 16th July, 2010.

⁵⁶ Pope Paul VI, (1967), *Populorum Progressio (An Encyclical Letter on the Development of Peoples)*, Acta Apostolicae Sedis, 59, 257-299, Articles 14, 43, and 76. By Integral Human Development, Pope Paul VI meant that the Church in all her being and acting is engaged in promoting integral human development and that the authentic human development concerns the whole of the person in every single dimension. The Pope puts charity as the principal force at the service of development. In this regard, charity ought to be reflected when we are dealing with children with disabilities in all spheres of their lives.

⁵⁷ Lane, A., (2012), *The Narrative Self-Constitution View: Why Marya Schechtman Cannot Require It for Personhood*, in *Macalester Journal of Philosophy*, Macalester: Macalester College Publishers, Vol. 20, Issue 1, Article 6, 6-21-2012, 100-114.

⁵⁸ Ibid.

The 'Compendium of the Social Doctrine of the Catholic Church' acknowledged the reductionist conceptions as major threats to the full truth regarding human identity.⁵⁹ It further indicated the different dimensions of the mystery of the person, who must be approached in the full truth of his or her existence, personal being, community and social component, with special attention to the intrinsic worth of every person as being created in the image and likeness of God.⁶⁰ The document provides a unique and comprehensive definition of the human identity, which constitutes two different characteristics, namely that the human person is a material being linked to the world by his or her body; that the human person is a spiritual being open to transcendence and to the discovery of more penetrating truths, i.e. through the intellect, the person shares in the light of the divine mind.⁶¹ Therefore, human identity constitutes two major co-equal characters, namely body and soul.⁶² This is true to all human beings without exception. Children who are born with physical and mental disabilities have body and soul faculties. Human identity sometimes is often ignored in cases of children who are born with disabilities. To this effect, they are sometimes abandoned, dumped, and eventually die on their own due to the lack of basic life sustaining conditions. The research will further explore the reasons why human identity is often negated in some circumstances.

1.2.2. THE STATE OF BEING A CHILD WITH DISABILITY

The project is aimed at addressing the problem faced by children who are born with physical and mental disabilities⁶³. Janet Pais said that we are today increasingly aware of other forms of attacks on children that occur daily in our neighbourhoods.⁶⁴ The United Nations Convention on the Rights of Persons defined the state of living with disability as referring to "those who have long-term physical, mental intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society

⁵⁹ Pontifical Council for Justice and Peace, (2004), *Compendium of the Social Doctrine of the Church*, Nairobi: Pauline's Publications Africa. Art. 124-5. 68-9.

⁶⁰ Ibid. 69.

⁶¹ Ibid. 70.

⁶² Ibid.

⁶³ This is to re-emphasize that the sub-title here has been changed. This is in view of the changes that are referred to the person with disability with the notion adopted by the United Nations Charter for Persons with disabilities. This change reflects the reflective process of the researcher while coming across with references on the subject.

⁶⁴ Pais, J., (1991), *Suffer the Children: A Theology of Liberation by a Victim of Child Abuse*, New York: Paulist Press, 1.

on an equal basis with others”⁶⁵. This condition may render them unfit to comprehend reality and unable to defend themselves in times of danger and wellbeing.

Per Pais, there are many children who are abused in various ways.⁶⁶ The idea behind is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities. One of the highest value in this discourse is the realization of the inherent dignity of a child with disability. In this case, to be in a state of having physical and mental disability sometimes may imply multiple medical complications⁶⁷ and conditions, namely inability to move and eat by oneself, urinary and defecatory incontinence, inability to comprehend objects, inability to make intelligible utterances and the development of certain terminal illnesses of the physical body that renders the person weak.⁶⁸ There are also some children with mental disabilities who have gone beyond remedy, with many other bodily complications associated with being physically and mentally impaired.⁶⁹ Children, when they are born, may suffer from one of the above complications or, in extreme cases, a child may suffer from a combination of several complications.⁷⁰ In the event of the parent’s incapacity to handle the situation, birth complications of this nature may easily result in infanticide and other forms of child abuse⁷¹. The phrase “status of a child with disability” may further imply a limitation that renders someone incompetent to exercise and to comprehend reality.⁷² Depending on what disability, the children may be biologically fragile, with limited capacity that would impede them from doing almost anything.⁷³ This is the category of children that the project aims at protecting, by advocating for their rights, specifically their inherent right to life, and denouncing any

⁶⁵ United Nations, Convention on the Rights of Persons with Disabilities and Optional Protocol, Geneva: *United Nations Charter*, Article 1. 4.

⁶⁶ Pais, J., (1991), *Suffer the Children: A Theology of Liberation by a Victim of Child Abuse*, New York: Paulist Press, 1.

⁶⁷ We do not assume that all disabilities are to be regarded from a medical perspective, as disability is not to be understood as a disease. However, in certain cases – to which we will dedicate more attention as they lead to cases of children’s abandonment – some disabilities must get specific medical care.

⁶⁸ Silvers, A., (2001), *Agency and Disability*, in Becker, L.C., and Becker, C.B., (Eds), *Encyclopaedia of Ethics*, New York: Garland Publishing Co., Second Edition, Volume 1, 36-39.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Lansdown, G., (2002), *Disabled Children in South Africa: Progress in Implementing the Convention on the Rights of the Child*, in The International Disability and Human Rights Network, Cape Town: Erica Special Care Centre, 14. In this report, Lansdown states that the experience of disabled children in South Africa’s history of institutionalised violence against most its population has left deep scars which are proving profoundly difficult to eradicate. The Government acknowledges that its children have been and still are exposed to inordinately and traumatic levels of violence in its many forms – political, criminal, domestic and structural. These generalised high levels of physical and sexual violence throughout South African society inevitably impacts even more significantly on disabled children, as among its most vulnerable members.

⁷² Ibid.

⁷³ Silvers, A., (2001), *Agency and Disability*. In Lawrence C. Becker & Charlotte B. Becker, (Eds). *Encyclopaedia of Ethics. Second Edition, Vol. 1*. New York: Routledge Publishers, 36-37.

sort of abuse perpetrated on them. It is within the scope of the current project to critically reflect on the views on human identity, dignity, and integrity of the children with disabilities.

1.2.3. NEONATOLOGY

Neonatology⁷⁴ is one of the fields of medicine related with the new-born babies which presents its own bio-ethical challenges that deal also with extreme cases of child disabilities.⁷⁵ It is applied in special cases of severe disabilities that raise emotions that can hardly be detached from the painful dilemmas on how to take care of the concerned child. Parents are affected emotionally and psychologically.⁷⁶ Such cases raise certain ethical questions regarding the role of parents, the interest of the child, withholding or withdrawing treatment, relieving pain or causing death of the child.⁷⁷ It is a sub-speciality of paediatrics that consists of the medical care of new-born infants, severely pressed with illness, disabilities, and premature birth.⁷⁸ Such severe complications may include, low birth weight, intra-uterine growth retardation, congenital malformation (birth defects), sepsis, pulmonary hyperplasia, or birth asphyxia.⁷⁹ These so-called neonates are infants ranging in age from the day of their birth to at least twelve months, who are born prematurely. They may experience some medical conditions that eventually could lead them to develop different physical and mental disabilities.⁸⁰ Neonatology is a new academic field that emerged out of concern for the infant mortality rate, particularly in developing countries, which counter-acts the worldwide hope of achieving the millennium goal of health for all.⁸¹ It is therefore within the realm of the research work to study the reality around us, specifically the quest for a better world for children. This project, therefore, emphasizes on the reality of new-born children who suffer on this life-threatening condition that, as we will see later, lead to several cases of children`s abandonment⁸². The situation in some regions is crucial in the sense that there are limited resources to meet the needs of these infants.

⁷⁴ Nuffield Council on Bioethics, (2006), *Critical Care Decisions in Fetal and Neonatal Medicine: Ethical Issues*, London: Latimer Trend and Company Ltd, Article 1-7.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Morgan, J., (1995), *Theology, Medicine and Health* in Byrne, P., and Houlden, L., (Ed), (1995), *Companion Encyclopaedia of Theology*. New York: Routledge Publishers. 828-9.

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Blackie, D., (2014), *Child Abandonment and Adoption in the Context of African Ancestral Beliefs in Contemporary Urban/Rural South Africa*, in *National Adoption Coalition Journal*, Pretoria: SA's Adoption Assistance Centre, 3-4.

1.2.4. HUMAN GENETIC SCREENING

Although the human genetic screening is not directly related with the specific focus of this research, namely the poor condition of families living in rural areas in Kwazulu-Natal – as they mostly do not have access to these technological discoveries – it is important to refer to this specific ethical challenge. As one of the topics of this project is to reflect on the notions of human dignities, it is undeniable that these scientific advances touch on a very basic ethical issue: what aspects are considered nowadays for us to consider a human being perfect and desirable. At the background of this reflection is the question about what are the physical and mental conditions considered ideal to have a child or to abandon it? Is a child with disability not desirable or does not have the same right to born and to live? This short reflection is just an example on how technological and scientific evolution exacerbate the ethical question about what constitute the human dignity and the right inherent to everyone. This is an issue that should be addressed by any theological reflection on the human dignity in contemporary society.

As already stated, we are living in a world of scientific and technological advancement. Genetic screening is one of the modern technological discoveries that make use of genes to reveal information that enables people with genetic defects to live and reproduce.⁸³ It is a complex, but at the same time a powerful technology that reads human traits and genes. The human being is made up of many cells. Each cell contains 46 chromosomes, which are divided into 23 different pairs. Each chromosome carries thousands of genes and each gene consists of information that codes for a trait.⁸⁴ The information on each gene is determined by the DNA found in that gene.⁸⁵ Human genetic screening uses genes which contain codified information which is determined by DNA.⁸⁶ Human genetic screening has become one of the current technologies that have changed the lives of human beings. Briefly, about the above biological statements, ‘Human Genetic Screening’ is a scientific process aimed at identifying persons whose genotype places them or their offspring at risk of having or developing genetic complications that could bring about negative health implications or any sort of disability in the person in question. The initial aim of screening is to locate faulty

⁸³ Shockley, W., (1966), *Population Control or Eugenics*, in Roslanky, J.D., (Ed), (1966), *Genetics and the Future of Man*, New York: Appleton-Century-Crofts. 65-105.

⁸⁴ Ibid.

⁸⁵ McCormick, R. A., (1981), *Notes on Moral Theology 1965 through 1980*, Georgetown: University Press of America. 279.

⁸⁶ Shockley, W., (1966), *Population Control or Eugenics*, in Roslanky, J.D., (Ed), (1966), *Genetics and the Future of Man*, New York: Appleton-Century-Crofts. 65-105.

genes that could either be treated or eliminated as means of rectifying the genetic diagnosis. For instance, parents may be diagnosed and sometimes may be found that they are both carriers of a certain faulty gene that may result into the birth of a child who may develop certain disorders or disabilities. Therefore, in view of faulty genes, which may bring about disabilities, disease, or any sort of disorder in a child, “Human Genetic Screening” is a modern tool that could be used as a therapeutic means of addressing the existing complications in the child. It is one of the means of assisting parents to deal with genetic complications that could pose as potential danger to the health of their children to be born.

Regarding this research work, prenatal and new born screening is crucial. Prenatal screening is done when the foetus is at risk for various identifiable genetic diseases or traits while new born screening is concerned with the analysis of blood or tissue samples taken in early infancy stage to detect genetic diseases for which early intervention can avert serious health problems that could develop in a child⁸⁷. Due respect is given to prenatal screening in relation to child disabilities. Depending on how it is used, there are critical ethical questions that have arisen concerning its credibility and utility.⁸⁸ In the context of the identification of child disabilities, is it used as a tool to destroy human life? On a positive note, “Human Genetic Screening” has opened avenues and forums where complications are identified and rectified medically. On the other hand, it has brought about certain ethical challenges which pose a potential threat to the credibility and therapeutic activities of the technology in question. One of the major ethical challenges is the increasing range of genetic tests for an increasing range of disabilities and disorders which offer parents a variety of choices whether to continue living with a child with severe disabilities. Some of these genetic tests have created an opening for deliberate advocacy leading to the denial of the inherent right to life of the child, i.e. in case of severe disabilities. Further to the above ethical concern is the rise of the potential child abuses and the misuse of the profiles of children who have undergone screening which has resulted in parental prejudice towards children with disabilities. There is an opening for a potential violation of confidentiality regarding the history of the genetic disorder among the family siblings. Such disparities in handling personal information may lead to discrimination, child abuse, assisted suicide, and violence to potential patients, i.e. children who may be found with such genetic disorders, mental and physical complications⁸⁹. Violation of medical confidentiality in this regard poses a threat to the

⁸⁷ May, W.E., (2000), *Catholic Bioethics and the Gift of Human Life*, Huntington: Our Sunday Visitor Inc, 220-221.

⁸⁸ Ibid.

⁸⁹ Ibid.

credibility of “Human Genetic Screening”. If it leads to the loss of human life of the child, it then defeats the very ideals and values it is meant to serve.

Further to the above ethical challenges, Human Genetic Screening has been employed to enhance selective ideologies⁹⁰ that have posed a threat to human dignity of the child in question. Pray, discussing the issue of human genetic screening with Hayes, in one of her articles, *Embryo Screening and Ethics of Human Genetic Engineering*, Hayes cited a new phase of human life warning of a “neo-eugenic future and the danger of genetic misuse.”⁹¹ Pray in this article named a controversy that has been revolving around what scientists called reprobogenetics, i.e. the combined use of reproductive and genetic technologies to select, modify embryos genetically before implantation.⁹² The scope behind gene selection and modification of embryos genetically revolves around the modern culture of choosing what is best for oneself contrary to the notion that the child is a God-given gift to the family.⁹³ Preimplantation Genetic Diagnosis has a potential driving force on parents, forcing them to make difficult decisions regarding the termination of pregnancy especially in cases where a disability or disorder has been acknowledged.⁹⁴ Further to the above point, Preimplantation Genetic Diagnosis is potentially used to determine sex of the embryo as determined by the parents contrary to the natural delineation of the genetic progression and development of the child in the mother’s womb.⁹⁵ In this regard, the mother or the parents have an option to disrupt the natural formation of the child by means of the manipulation of the genes. The procurement of such scientific advancements and processes, there is a motivating factor enforced by selective ideologies whereby one chooses the type of the child they want in life. Such selective ideologies have been the root cause and remain potential cause for the termination of unwanted human life. Hays argued that Preimplantation Genetic Screening has a potential for exacerbating the existing inequalities and reinforcing the prevalent modes of discrimination.⁹⁶ He further stated that the technology has a potential to manipulate

⁹⁰ Exactly on this point, when it comes to a specific “*selective ideology*” the reality of wealthy families (with access to this technology) and the poor rural families get intertwined, as poor families or wealthy families, at this point, are making a choice on abandoning children or denying the evolution of undesired pregnancies.

⁹¹ Pray, L. A., (2008), in Cheryl Scacheri, (Ed), *Embryo Screening and the Ethics of Human Genetic Engineering* in *Genetic and Society Journal*, 1 (1): 207.

⁹² Ibid.

⁹³ *The Catechism of the Catholic Church*, (1994), Nairobi: Pauline’s Publications Africa. Article Number 1652 which states: “Children are the supreme gift of marriage and contribute greatly to the good of the parents themselves. God himself said: It is not good that man should be alone and from the beginning he made them male and female wishing to associate them in a special way in his own creative work. God blessed man and woman with the words: “*Be fruitful and multiply.*”

⁹⁴ Pray, L. A., (2008), in Cheryl Scacheri, (Ed), *Embryo Screening and the Ethics of Human Genetic Engineering* in *Genetic and Society Journal*, 1 (1): 207.

⁹⁵ Ibid.

⁹⁶ Pray, L.A., (2008), in Charyl Scacheri (Ed), *Embryo Screening and the Ethics of Human Genetic Engineering*, in *Genetic and Society Journal*, 1, (1), 207.

children's genes in the interest of their parents and not the child as such.⁹⁷ The culture of developing a perfect baby may even give rise to socio-economic challenges besides the ethical/moral implications already stated above. Children who are born with disabilities in this regard remain the most vulnerable group of people in society in the context of selective ideologies that are prevalent. Such infants may face discrimination, a wide range of child abuses and sometimes eliminated from society if they are deemed unwanted. The primary justification of Human Genetic Screening on children ought to be based on the child as the main beneficiary of the technology otherwise there is no justification for the procurement of such technologies if the main reason is based on the interest of the parents or their siblings. The focus of Human Genetic Screening among children ought to be on the effectiveness of a proposed preventive and therapeutic intervention that considers all possible moral implications. In the process of administering Human Genetic Screening, other possible ethical considerations are namely: alteration of self-image of the child and the social impact on the family. Infants who have been diagnosed with genetic disorders and disabilities of any sort may suffer from a loss of self-image and self-esteem leading to alienation and withdrawal from society.

These are some of the major concerns that have been raised in the scholarly field of research. In response to some of these critical issues, human genetic screening tends to exclude certain cultural and social factors, relegating them to the status of irrelevance. For instance, human genetic screening may enhance discrimination against the child involved.⁹⁸ Genetic discrimination refers to the act directed against individuals based solely on an apparent or perceived genetic variation from the normal human genotype.⁹⁹ This may lead to potential discrimination from social and medical services, especially in the context whereby there are limited resources in the region in question. It may also lead to social injustice; whereby individual human rights may be suppressed. The right to privacy is highly compromised in such cases. Further ethical implications constitute the risk of state intervention into private lives and the consequent loss of reproductive freedom.¹⁰⁰ The process may further develop into what is termed the risk of coercive testing emerging from medical paternalism, which may result in fear, isolation, and stigmatization.¹⁰¹

⁹⁷ Ibid.

⁹⁸ Billings, P.R., Kohn, M.A., de Cuebas, M., Beckwith, J., Alper J.S., Natowicz, M.R., (1992), *American Journal of Human Genetics*. New York: Medical Publishers, 50 (3), 476-482.

⁹⁹ Ibid.

¹⁰⁰ Walker, R., Morrissey, C., (2014), *Bioethics Methods in Ethical, Legal and Social Implications of the Human Genome Project Literature*, in *Bioethics 2014*. 28 (9). 481-490. Published online 2013, June24. Doi:101111/bioe.12023.

¹⁰¹ Ibid.

These are some of the ethical challenges that are posed about the credibility of human genetic screening. The present research will approve the usage of the technological theories as a means of assisting children with disabilities while they are still in their mother's womb to protect them from being exposed to certain conditions that would bring about harm when they are born. The scope of this research work is meant to counter-act such tendencies and make use of available resources to bring about integral human development in society. The construction of a theology of human dignity will make use of the resources of this kind, i.e. human genetic screening, and other medical facilities, to facilitate change, growth, and good health for all, but specifically for children with disabilities. It is only when human development reflects an inclusive dimension that it will be able to be called real development, otherwise the current situation reflects severe discrepancies and polarities that need serious academic attention and research.

1.3. GENERAL LITERATURE REVIEW

The current research will consider the available data from media reports that cite instances of child abandonment and dumping with the sole idea of backing up and substantiating the arguments. It will also explore some academic discourses that address similar issues of child disabilities and maltreatment. The study will further explore socio-cultural belief systems in the region related to the current issue in question. The target is the rural settlements of Kwazulu-Natal where there are cases of child-headed families, single mothers taking care of their children and where cultural beliefs and rituals are still practiced. The available data will ground the inquiry into issues of children living with disabilities thereby establishing an academic phenomenological inquiry into the subject matter. The demographics will assist us in showing the economic and social status of most families in the region. We will make an inquiry into available literature on how children with disabilities are treated, to what extent do they benefit from medical and health facilities in the region. In this regard, media reports are crucial as they bring about particular instances of child abuses and maltreatment.¹⁰²

1.4. SOCIAL-CULTURAL ANALYSIS IN KWAZULU-NATAL, SOUTH AFRICA

Having looked at certain definitions which are essential to this work, the next part of the first chapter will explore the socio-cultural analysis of the reality facing the children with disabilities in the region. The focus will be on the rural settings of KwaZulu-Natal. The Province of KwaZulu-Natal's demographics alone constitute the following itinerary information: the province is small but densely

¹⁰² Ibid.

populated, most people have limited access to even primary health care services, the high level of poverty and poor service infrastructure. The dawn and dispensation of democracy in South Africa brought about the call to justice, the rule of law and the recognition of human rights at all levels. Though this has been the case, in the post-apartheid era, children with disabilities as shown in the introduction are still facing challenges that threaten their livelihood from a wide range of areas namely; some of them are abandoned by their parents or siblings and are often left alone without proper parental care.¹⁰³ Other children with disabilities in some cases are dumped in inhuman conditions where death takes charge if not discovered by people of good will.¹⁰⁴ In extreme cases of children with disabilities are regarded as unwanted hence they are deliberately exposed to certain conditions or deadly acts of violence that would induce instant death of the child.¹⁰⁵ For instance, Landsdown in his report informs us of the experience of children with disabilities who are isolated, evicted and sometimes killed due the fact that the child is born with disabilities.¹⁰⁶ It is from this socio-cultural and political background that the project undertakes a theological discussion aimed at addressing the plight of children with disabilities who seem to be the victims of the violation of children's basic human rights.. A lawlessness or Godlessness of society where moral standards are being determined almost entirely without recourse to the fear of God and ethical code of law may give rise to such malicious acts of violence towards children with disabilities. In this regard, the abandonment, dumping and killing of children with disability is sign of moral decadence that has corroded society.

The argument lies on the fact that within the context of the existence of human rights, children with disabilities remain vulnerable. The argument raised is that how can we make use of the concept of human dignity from the perspective of the Social Teaching of the Catholic Church as means of addressing the plight of children with disabilities. The selected sources in Scripture and Catholic Social Teaching do not simply claim authority just for its own sake rather they provide a criterion for assessment of certain acts done to children with disabilities. These sources form and informs perpetrators of the inherent rights of children with disabilities. In consideration to the statement as outlined above and the objectives of the research study i.e. the construction of a theology of human dignity for children with disabilities, the current thesis is part of the current academic scholarship that contributes substantially to the integral development of society in the Province of KwaZulu-Natal, in South Africa with special recognition of the rights of children with disabilities without which integral human development would not be possible.

¹⁰³ Mthethwa, M.S., (2009), *Challenges Faced by Child-Headed Families at Mahlabathini in Kwazulu Natal*, A Dissertation submitted to the Faculty of Arts, University of Zululand, 33-34.

¹⁰⁴ Department of Social Development/Department of Women, Children, and People with Disabilities/UNICEF. (2012), *Violence Against Children in South Africa*, UNICEF REPORT 2012. 5. The Secretary-General's Global Study on violence against children defines violence as including all forms of physical, mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse.

¹⁰⁵ Landsdown, G., (2002), *Disabled Children in South Africa: Progress in Implementing the Convention on the Rights of the Child*, Cape Town: The International Disability and Human Rights Network, 14-15.

¹⁰⁶ Ibid. 14-15.

As a background to the social analysis as reported by MIET Africa in *Inclusive Education in Action*, the rural settings of the province's challenge are poverty.¹⁰⁷ The report indicates that the province does not only have the largest number of children living in dire poverty, but it is marked with inaccessible terrain and great distances between homes, towns, and services.¹⁰⁸ The topography presents health and medical service delivery difficulties. Le Roux further pointed similar observation saying that the inland rural areas are poorly serviced, lack access to economic opportunities, and experience high levels of unemployment.¹⁰⁹ The scenario presented above makes these areas more disadvantaged considering the social structures in the region. This being the case, children who are born with disabilities might be the most impoverished and vulnerable ones compared to the other groups of people. Mthethwa further hints on the fact that in the context of limited resources, rural communities have lower income levels and families are headed by unemployed women with no legitimate family husband.¹¹⁰ On the other note, a retrospective analysis of children attending the Teddy Bear Clinic in Johannesburg found that children with disabilities had a higher prevalence of neglect and physical abuse, compared to other children.¹¹¹ According to a report which was produced with the support of the United Nations Children's Fund, abandoning, dumping and inducing instant death on children constitutes violence against children.¹¹²

About the above statements, child abandonment constitutes child maltreatment and neglect of children with disabilities. The situation in the region is disconcerting as it marks high levels of violence towards children.¹¹³ The UNICEF report noted the serious challenges that exist in obtaining reliable and comprehensive data on virtually all forms of violence against children.¹¹⁴ One of the major set-backs is that, even if violence against any child is

¹⁰⁷ MIET AFRICA (2011), *Inclusive Education in Action (IEA). The Development of a Care and Support Model in Kwazulu Natal* as presented by Lynn Van der Elst in <http://www.inclusive-education-in-action.org/005EN>. Last access: 29/11/2016.

¹⁰⁸ Ibid.

¹⁰⁹ Le Roux, J., (1993), *The Black Child in Crisis: A Socio-Educational Perspective*, Pretoria: JL Van Schaik, Volume One, 158.

¹¹⁰ Mthethwa, M.S., (2009), *Challenges Faced by Child-Headed Families at Mahlabathini in Kwazulu Natal*, A Dissertation submitted to the Faculty of Arts, University of Zululand, 33-34.

¹¹¹ Deroukkakis, M., (2010), *A Retrospective Analysis of Children with and without Disabilities Attending the Teddy Bear Clinic, Johannesburg*, http://wiredspace.wits.ac.za/bitstream/handle/10539/8845/Malirena_Deroukakis_Final%20_Msc%28%Med%29%20Child%20Health. Accessed: 14th February 2012.

¹¹² Department of Social Development/Department of Women, Children, and People with Disabilities/UNICEF. (2012), *Violence Against Children in South Africa*, UNICEF REPORT 2012. 5. The Secretary-General's Global Study on violence against children defines violence as including all forms of physical, mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse.

¹¹³ Ibid.

¹¹⁴ Ibid.

recognized in certain sectors of settlements, it is kept hidden wherever possible and under-reported.¹¹⁵ This is a negative phenomenon that is pressing and crucial. In this case, the perpetrators are known informally within that context. It seems that there is a fear factor involved if a case is formally reported.¹¹⁶ We will therefore consider the following elements: the general perception of the people in the region towards children who are born with disabilities, the hermeneutical view of the available literature on disabilities and the study of children with severe disabilities who need specialised care. Some of these factors to be considered are the cultural beliefs of the people in general, parental, and social prejudices in some sectors, environmental factors, and the magnitude of the problem at hand.

The current situation regarding children in the rural settings in the region is crucial despite the recent progress in most areas of human life. There is a concern raised for children who are born with disabilities and the type of primary care that is given.¹¹⁷ The general perception, paradoxically, seems to undermine their potential capacity to live as human beings. To some extent, there exists negative socio-cultural dynamics that seem to side-line children living with disabilities that results in the evil acts of abandoning and dumping children in inhuman places.¹¹⁸ The research work raises a serious theological question of the human dignity of children with disabilities. The poem below appropriately presents the above catastrophic phenomenon, compiled by Oswald Mbuyiseni Mtshali:

“An Abandoned Bundle”

*“The morning mist and chimney smoke
Of white city Jabavu flowed thick yellow
As pus oozing from a gigantic sore.*

It smothered our little houses

Like fish caught in a net.

Scavenging dogs

Draped in red bandanas of blood

Fought fiercely

¹¹⁵ Blackie, D.E., (2014), *Sad, Bad and Mad: Exploring Child Abandonment in South Africa*, Johannesburg: University of Witwatersrand, in a Dissertation in fulfilment of the Requirement for the award of a Degree of Masters of Anthropology, 6-12.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

¹¹⁸ Blackie, D., (2014), *Fact Sheet on Child Abandonment Research in South Africa*, in *National Adoption Coalition South Africa (NACSA)*, Pretoria: SA’s Adoption Assistance Centre, May, 20. A Research Study Conducted by the National Adoption Coalition South Africa. The review on disposable and disconnected children reported that 65% are new born babies, younger than a year and abandoned in sites cited as unsafe, in toilets, drains sewers, gutters, rubbish sites, dustbins, open fields, train tracks and many other unsuitable sites for livelihood.

For a squirming bundle.

*I threw a brick
They bared fangs
Flicked velvet tongues of scarlet
And scurried away,
Leaving a mutilated corpse
An infant dumped on a rubbish heap
Oh! Baby in the manger
Sleep well on human dung.*

*Its mother
Had melted into the rays
Of the rising sun
Her face glittering with innocence
Her heart as pure as untrampled dew.”¹¹⁹*

The above poetic narration outlines socio-cultural context of abandoning children with disabilities. The media in South Africa accounted for numerous incidents of illegal abortions, criminal activities around the disappearance of children and clandestine practices that are common place involving mothers who abandon their children and leave them in unsafe places.¹²⁰ The report further stated that we are a nation that has become used to such horrendous acts, for instance the story of a 19-year-old who stabbed her new-born daughter to death.¹²¹ The report further cited an incident of a baby dumped in a drain and a new-born child left to die in the open veld that raised alarm of the barbaric acts of violence in various parts of the country.¹²²

The reported cases and examples of children being abandoned are vivid instances of society's moral¹²³ decadence. It is hard to face such realities of this nature in a modern

¹¹⁹ Mbuyiseni, O., (2001), *An Abandoned Bundle*, in Malan, R., (Ed), “*New Inscape*”. Cape Town: Oxford Press Southern Africa. 9-15. The Media's coverage in this case presents the phenomenon around child abandonment in the perspective of the abandoned child and the abandoning mother, an indication of the rise of a culture of death.

¹²⁰ Vorster, R.W., (2015), *Gone without a Trace: The Shocking Fate of South Africa's Abandoned Children* in <http://www.dailymaverick.co.za/section/south-africa>. November, 24. 12:58.

¹²¹ Ibid.

¹²² Ibid.

¹²³ Erakewe, A.P.S., (2013), *Moral Decadence and Unproductive Administration in the Provinces*, A Seminar Paper Presented at Mount Zion National Headquarters on 5th April, 2-3. In this paper, Erakewe defines Moral Decadence to mean a decline on the level moral standards, the absence of the spirit of God in any network or organization. A Lawlessness or Godlessness of society where moral standards are being determined almost

society that claims tremendous progress in many spheres of human life. Medical Research Council findings indicated that violence against children is wide spread and it takes various forms namely; child murder or homicide, harmful traditional and cultural practices of ritual killings, bullying and indirect violence perpetrated in the home by adults hence the nation is losing many children this manner.¹²⁴ Further to the above situation, there are media reports that reveal the situation of overcrowding of mothers seeking medical help for their children who are born with certain disabilities of which some need urgent medical care.¹²⁵ The paper reported that even the few doctors and experts available in paediatric care facilities are sometimes overwhelmed and frustrated at being unable to accept sick children into the ICU wards.¹²⁶ They even reject referrals from other hospitals due to the serious shortage of medical facilities.¹²⁷

The contextual situation in the region crucially needs academic debate and socio-political intervention. Media reports cited above portray a regional crisis around managing children who are abandoned. The affected areas are the informal settlements, which have limited medical resources. The region largely constitutes informal residential areas with huge statistical demographics that point to limited essential basic medical infrastructure.¹²⁸ Inhumane acts are directed towards children with disabilities because they are looked at as a burden to mothers who are parenting them single-handedly.¹²⁹ The discourse comes in the wake of disconcerting news of this kind, particularly concerning the loss of many innocent children.

In summary, the contextual situation in the region indicates the circumstances behind children who are born with disabilities. They are secretly abandoned, left in inhuman conditions, and sometimes neglected, with the intention of exposing them to harmful conditions that would, in the process, bring about instant death. Instances of child dumping

entirely without recourse to the fear of God and ethical code of law. In this regard, the abandonment, dumping and killing of children with disability is sign of moral decadence that has corroded society. This how this work approaches the issues of morality in relation to the issue of children with disabilities. Morality is about doing good and avoiding evil.

¹²⁴ Capa, M., (2014), *Violence against Children and the Consequences for South Africa*, Pretoria: Medical Research Council on Social Development in <http://www.pmg.org.za/committee-meeting/17477>, September, 3, 1-7.

¹²⁵ Ibid.

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Association for Rural Advancement, (2010), *AFRA Annual Report: Building and Strengthening Rural Livelihoods*. Pietermaritzburg: June. www.afra.co.za, 1-5.

¹²⁹ Blackie, D.E., (2014), *Sad, Bad and Mad: Exploring Child Abandonment in South Africa*, Johannesburg: University of Witwatersrand, in a Dissertation in fulfilment of the Requirement for the award of a Degree of Masters of Anthropology, 6-12.

have not been reported hence it has been difficult for relevant civil authorities to act, thereby leaving a wrong impression of not fulfilling their tasks towards acts of child dumping. Children with disabilities are often denied of their basic human needs considering the element of fathers who cannot take responsibility for their children.¹³⁰ This is a sad reality of our human existence.

We will consider examining health and social services rendered to children with disabilities. Child disabilities include children with mental illnesses, which we emphasize as critical as physical disabilities when it relates to child abandonment. These are part of the disability challenges like any other human physical conditions, which are sometimes difficult to remedy. A mental problem would include an organic mental disorder which could be also associated with drug abuse.¹³¹ In areas where the practice of drug abuse is rampant, especially among expectant mothers, it is evident that the chances of having a child with mental problems are usually predetermined. Some of the mental disorders would include acute delusional moods, anxiety, personality perception disorder and post-traumatic stress disorder, which is very common among women who suffer from many kinds of depression.¹³² In this scenario, some children may also develop certain mental disabilities, which are not necessarily understood as a mental disease¹³³.

In all these circumstances of mental disorders, the effects may affect the unborn baby if the mother is having traumatic experiences and at the same time makes use of drugs when she is expectant.¹³⁴ The time of pregnancy is critical for the development of the child and if there is lack of awareness of the effects of one's behaviour towards drugs, it is likely that the child is at risk of developing certain problems. Other conditions of mental disorder include schizophrenia, paranoid delusional disorder, obsessive compulsive disorder, and dementia.¹³⁵ In the face of the above conditions, mothers stand the risk of having babies who

¹³⁰ Ibid. Blackie points out that many families are managed by single mothers who are sometimes overwhelmed with the task of bringing up children. He cited instances of fathers running away from their wives due to the financial demands associated with taking care of children resulting into families without proper parenting.

¹³¹ Ibid.

¹³² Kleintjes, S., Flisher, A.J., Fick, M., Railoun, A., Lund, C., Moltano, C., and Robertson, B.A., (Eds), (2006), *The Prevalence of Mental Disorders among Children, Adolescents and Adults in Western Cape, South Africa* in *South African Psychiatry Review*, Cape Town: Human Science Research Council, Department of Psychiatry, University of Cape Town in South Africa, Art. 9, 157-160.

¹³³ Department of Mental Health and Substance Dependence, (2004), *The Role of International Human Rights in National Mental Health Legislation*, Geneva: World Health Organization, 3. Per United Nations, Mental disability can be understood as disabilities caused by a mental disorder such as people with a diagnosis of mental illness or with intellectual or developmental disabilities. The term disability summarizes a great number of different functional limitations occurring in any person. People may be understood as disabled by physical, intellectual, or sensory impairment, medical conditions, or mental illness.

¹³⁴ Ibid.

¹³⁵ Ibid.

are put into the category of malformed neonates. The state of being malformed includes babies who show bodily features like spina bifida, hydrocephalus, mongolism, and babies with Down syndrome.¹³⁶ In general, babies exhibit severely impaired quality of life due to gross physical and mental malformations.

In other circumstances, infants are born with complete unique features that expose them to the risk of being reduced, in certain cultural settings, to being non-human.¹³⁷ Infants in this category of paediatrics mostly assume unique human body shapes and are mostly affected in almost all human faculties.¹³⁸ This is the most terrible situation, for which even medical experts seem to be taken off-guard. They simply do not know what to do, rather than to leaving it to the mercy of the family itself.

In this context, the research project will focus on infants who are born with acute physical and mental disabilities open to the intervention of medical and health expertise. The whole schema of the thesis challenges the way the public perceives the reality of living with physical and/or mental disabilities. The denial of the infant's existence as a human being, experienced in most parts of the region, prompted the discourse to raise the theological question of human dignity inherent in them. The denial that malformed neonates are human beings has led many families and mothers to abandon and dump their children in inhuman conditions, where they struggle to survive and finally die on their own. How dare we venture into issues of human development in the context whereby children who are born with physical and mental disabilities are not recognized as human beings, having their own rights as children?

South African Medical Statistics in general show that 23% of the babies die of birth complications, 35% of infants die of complications from pre-term births, 2% die of tetanus, 13% die of sepsis/meningitis, 11% die of pneumonia, 2% die of diarrhoea, 9% die of congenital related illnesses and 6% die of other circumstances, mostly unknown to medical expertise and statistics.¹³⁹ Most deaths of children which go unreported belong to this category. There are cases of children being abandoned and found dead. Kelvin Khumalo found a baby at about 10:00. He described what he saw:

“I looked under the bridge. I saw blood and feet. I was not sure that it was a baby but when I looked again I realised it was. I could see the umbilical cord floating in the water. The baby had become like

¹³⁶ Ibid.

¹³⁷ Alistair, G.S.P., (2008), *Neonatology: A Practical Guide*, Michigan: Medical Examination Publishers Co., 2nd Edition, 58.

¹³⁸ Ibid.

¹³⁹ Randall, A., (2012), *Research Intern: The State of the Rural Nation*. In *Briefing Paper 291*, Parliamentary Liaison Office, Southern African Catholic Bishop's Conference, Cape Town: June. www.cplo.org.za, 1-5.

normal debris in the drain – plastic, rubbish, wire, old blankets rotting food – and was kept company by large scavenging rats.”¹⁴⁰

The figures look very drastic. The literature shows the public that something is wrong in society. The statistics give the real situation and they reflect the current morals of people in general. South African Medical Research Council report showed that fatal child abuse of all child homicides was child abuse or neglected related cases.¹⁴¹ The research study conducted by Medical Research Council (MRC) highlighted three distinct problems facing children namely; abandoned babies, fatal child abuse related to parental negligence leading to fatal death of the child.¹⁴² Reports of infanticide, mutilation, abandonment, and other forms of violence against children is a vivid reality that needs attention and response. The current medical records cited above on child abandonment and dumping indicated that some people in the region find it appropriate to abandon their child when they are overwhelmed with the responsibility lying ahead of them considering the dynamics of caring a child who is born in that unique state of life¹⁴³. The tendency to act on their impulse, i.e. human aggression, overrides their capacity to protect their children.

The report on human development in 2003 revealed that 57% of the country’s poor people live in three provinces, namely the Eastern Cape, which had 68.3% of poor people, Limpopo, which had 60.7% of poor people and KwaZulu-Natal, which had 60.3% of poor people, most of them living in the largest rural communities in the country.¹⁴⁴ The most recent report on Sustainability and Equity: A Better Future for All on Human Development Report of 2011 projected a disturbing reversal of trends of environmental deterioration and social inequalities, which continue to intensify.¹⁴⁵ Both reports pointed to the retrogression of the intended goal, health for all, since they reflect the disturbing condition of the ordinary person who lives in the informal rural areas of the country. Rural women often work in deplorable situations.¹⁴⁶ The report stated:

¹⁴⁰ Child, K., and Hosken, G., (2012), *Born to be dumped: As Child Abandonment Soars, the Government Calls for Research*, in “*The Times*,” Tuesday, May 29, www.timeslive.co.za.

¹⁴¹ Gray, G., (2014), *SAMRC Presentation on Violence in Children and its Consequences in South Africa, Building a Healthy Nation through Research*, Pretoria: South African Medical Research Council, 36.

¹⁴² Ibid.

¹⁴³ Health Systems Trust, (2016), *Thousands of Children Being Dumped in SA*, in <http://www.hst.org.za/news/thousands-children-being-dumped-sa>. Posted on 28th November, 19:04:56 GMT.

¹⁴⁴ Law, L., (2012), *The State of the Rural Nation* in “The Briefing Report 291, SACBC Parliamentary Liaison Office, June, 1.

¹⁴⁵ UNDP, (2011), *Human Development Report*.

¹⁴⁶ Holy See Delegation, (2012), *Statement by the Permanent Observer Mission of the Holy See to the United Nations: Economic and Social Council, 56th Session of the Commission on the Status of Women*, New York: March, www.holyseemission.org.

“They are often exposed to long hours of unpaid work, largely live in unhygienic conditions with poor nutrition and limited health-care facilities. They are often victims of exploitation and sexual abuses that result in unwanted pregnancies.”¹⁴⁷

Conditions of this nature impact so much on mothers particularly those who are expectant. The results of unwanted pregnancies are the abandoning and dumping of children. This is a horrible situation in view of the conditions where most children are dumped and the status of the children.

The Department of Health in South Africa, in *2011/12 Annual Report*, earmarked three key issues, namely to reduce maternal and child mortality rates, to increase the number of pregnant women presenting themselves early to health services and to make follow-up programmes on newly-born babies, which is called post-natal diagnosis.¹⁴⁸ The key issues were raised in view of the high child mortality rates at national level. One of the issues raised was the situation of the unreported cases, particularly those that take place in residential areas. In general, the reports indicated that there is a high death rate of children and this remark is comprehensively inclusive.

Mkhize’s report argued that hospital statistics of the abandoned babies do not reflect reality.¹⁴⁹ It has been noted with disbelief that some mothers do not dump their children, rather they abandon them soon after birth. This is the situation in most hospitals around the country. This media report indicated that Tembisa hospital, Chris Hani, Baragwanath Academic hospital, Rahima Moosa Mother, and Child hospital, Pholosong hospital, Dr. Yusuf Dadoo hospital, Kopanong hospital, Odi and Carletonville hospital in Gauteng province indicated high numbers of babies who are abandoned and their mothers can hardly be traced, putting the hospital management under pressure on how they could best assist the infants in the context of the absence of their siblings.¹⁵⁰

It also points to the fact that many children who are regarded as unwanted are left behind by their own mothers soon after delivery and sometimes left in unusual places within the hospital premises. The general statistics of the abandoned babies from the various hospitals is alarming. Carletonville hospital alone reflected 55 abandoned babies from the year 2011

¹⁴⁷ Ibid.

¹⁴⁸ National Department of Health, (2011-2012). *Annual Report*.

¹⁴⁹ Mkhize, V., (2013), *The Number of Abandoned Babies is Still on the Rise*, in “*The Star*”, Friday, 11th October, 6.

¹⁵⁰ Ibid.

to the year 2013 in the month of August.¹⁵¹ The report showed that in the year 2011 alone, a total of 136 babies were abandoned. In the year 2012 the number stood at 135 and 89 babies were abandoned from January to August in the year 2013.¹⁵² The report indicated that there are no reasons yet established as to why babies were abandoned, since their mothers could not be traced so that they could be interviewed.¹⁵³ The unfortunate reality is that these children are dumped in places where survival is not guaranteed. Some babies are left in the toilets, hospital corridors, bathrooms, and many other unusual places. The reality of abandoning and dumping of children does not take place in residential areas alone.

The above reports are a clear sign that children are not safe in most places. Hospitals seem to experience the worst reality of babies who are reported to have been found abandoned in certain areas in the hospital or on its grounds. Hospital assessments from the various parts of the country reflect the reality that most babies who are abandoned have certain bodily ailments and other complications.¹⁵⁴ Recently, Motumi cited one of the horrible cases of a child who was abused, killed, and then thrown away.¹⁵⁵ The child was found with his small eyes swollen and bruised. The rest of his face was stained with blood and his body was dumped in the open field in Hlongwane Section, Katlehong in Ekurhuleni, on 17 August 2013.¹⁵⁶ The Forensic Science Laboratory had to reconstruct the face to try to identify the child, whose body was too gruesome.¹⁵⁷ The post-mortem report revealed that the child had died from blunt-force head injury.¹⁵⁸

Reports of this nature are an indication of brutal violence of the highest level, since the child is defenceless. The reality raises serious moral questions. The continuous reports by the

¹⁵¹ Blackie, D.E., (2014), *Sad, Bad and Mad: Exploring Child Abandonment in South Africa*, Johannesburg: University of Witwatersrand, in a Dissertation in fulfilment of the Requirement for the award of a Degree of Masters of Anthropology, 6-12.

¹⁵² Ibid.

¹⁵³ Ibid.

¹⁵⁴ Landsdown, G., (2002), *Disabled Children in South Africa: Progress in Implementing the Convention on the Rights of the Child*, Cape Town: The International Disability and Human Rights Network, 14-15. Landsdown on the experience of disabled children cited that South Africa's history of institutionalised violence against most its population has left deep scars which are proving profoundly difficult to eradicate. The Government acknowledges that its children have been and still are exposed to inordinately and traumatic levels of violence in its many forms – political, criminal, domestic and structural. (.....) And these generalised high levels of physical and sexual violence throughout South African society inevitably impact even more significantly on disabled children as among its most vulnerable members. The government recognises that disabled children are particularly vulnerable to abuse of all kinds.

¹⁵⁵ Motumi, M., (2013), *Abused, Killed, Dumped – Do you Know this Boy?* In “*The Star*”, Tuesday, October 15, 1.

¹⁵⁶ Ibid.

¹⁵⁷ Blackie, D.E., (2014), *Sad, Bad and Mad: Exploring Child Abandonment in South Africa*, Johannesburg: University of Witwatersrand, in a Dissertation in fulfilment of the Requirement for the award of a Degree of Masters of Anthropology, 6-12.

¹⁵⁸ Ibid.

media portray a moral decadence in society. The truth of the matter is that the continuous abuse of innocent children is a reality that needs redress. If the perpetrators can escape justice in such a manner, then something is wrong, somewhere. This is a clear indication that children are still vulnerable and there is no guaranteed safety for them, especially when the perpetrators cannot be identified and brought to book. This is the core reason the present project aims at addressing and redressing the morality of abandoning and killing children who are born with acute disabilities.

1.4.1. LIFE EXPECTANCY AND INFANT MORTALITY LEVELS

The present study will consider some of the leading causes of death among South African children. According to the medical report by the Medical Research Council of South Africa, i.e. “Burden of Disease Research Unit”, in Pretoria, the 1998 demographic and health survey found that the infant mortality rate was 45 per 100 live births although there are variations among the population groups according to socio-economic status or region.¹⁵⁹ The National Burden of Disease survey indicated that infant mortality rate has risen recently, especially among children under the age of five.¹⁶⁰ In general, young babies are much more vulnerable than the other groups of people. HIV/AIDS, low birth weight and birth defects are among the top causes of death among children.¹⁶¹ The report revealed that most of these deaths are preventable through the delivery of a basic, standard, conventional primary health care package approach.¹⁶² Unfortunately, due to socio-economic variations, such services are limited in most areas, especially in the social settings, as is the case in KwaZulu-Natal. Due to poor socio-economic conditions, most families are overwhelmed and over-burdened with such health-related cases that put them off. They then opt to abandon and sometimes kill their children.¹⁶³ The report indicated that homicide and suicide feature in the top causes of death among children.¹⁶⁴

There exists a vital registration that is required by law regarding the recording of the number of deaths and its causes among children.¹⁶⁵ Unfortunately the report reveals that the system

¹⁵⁹ Bradshaw, D., Bourne, D., and Nannan, N., (2003), *MRC SA Policy No. 3. UNICEF December Report: What are the leading Causes of Death among South African Children?* Pretoria: Medical Research Council, Burden of Disease Research Unit.

¹⁶⁰ Ibid.

¹⁶¹ Shung-King, M. and Proudlock, P., (2002), (Eds), *Facts About Child Deaths: An Overview for Decision Makers and Service Providers in South Africa*, Cape Town: Children’s Institute, 4.

¹⁶² Ibid.

¹⁶³ Meintjes, H., and Bray, R., (2005), *But Where are our Moral Heroes? An Analysis of South African Press Reporting on Children Affected by HIV/AIDS. A Joint Working Paper by the Children’s Institute and Centre for Social Science Research*. Cape Town: University of Cape Town Press Report in September, 11.

¹⁶⁴ Ibid.

¹⁶⁵ Bradshaw, D., Bourne, D., and Nanna, N., (2003), *M R C (SA) Policy No 3, DECEMBER, UNICEF*.

is fragmented and does not provide the most required data.¹⁶⁶ There is an indication that the registration that was done is for minority groups of people, implying that about half of the black African deaths among children are not registered, especially in rural areas. According to the recent reports, long delays in reporting the causes of death and the inability to provide necessary health information has led to unnecessary speculations regarding the causes of the deaths among the most households.¹⁶⁷ “Statistics South Africa” of 2002 indicated two major concerns that have led to the death of children and these are unspecified, unnatural causes and ill-defined causes of infant mortality.¹⁶⁸ The report showed the provincial burden of disease estimates, recording that 5.8% of infant deaths are due to homicide/violence against children.¹⁶⁹ In most cases, the cause of death is missing, even though the health status of the child is known. Upon birth, the child is identified that it exhibits physical, mental, and sometimes other, similar ailments. Unfortunately, the details of the causes of death among children of that nature are missing in most circumstances.¹⁷⁰

1.4.2. STATISTICS ON CHILD ABANDONMENT

The fact sheet on “Child Abandonment Research in South Africa” of 2014 gave an outstanding report on the current situation of children. The findings of that research project were the following: Child Welfare South Africa estimated that more than 3 500 babies were abandoned in South Africa in 2010 and Child Protection Organisations believe that the numbers have increased significantly over the past few years.¹⁷¹ Abandonment and adoption are governed by the Children’s Act 38 of 2005, one of the largest pieces of legislation to be created under the new Constitution of South Africa.¹⁷² In view of the above legislation, anonymous child abandonment has been criminalized, with mothers facing a range of charges such as concealment of birth and attempted murder.

What are the leading causes of death among South African Children? Burden of disease Research unit, Medical Research Council. Tygerberg: South Africa, <http://www.mre.ac.za/bod/bod.htm>, 4-9.

¹⁶⁶ Ibid.

¹⁶⁷ Statistics South Africa. (2002), *Advance Release of Recorded Cause of Deaths 1997-2001. Statistical Release P0309.2*. Pretoria: Statistics South Africa for December.

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

¹⁷¹ Nagel, N., (2014), *National Adoption Coalition: Fact Sheet on Child Abandonment Research in South Africa, Media Interviews with NACSA and Dee Blackie: Teresa Settas Communications, 20th May. On an Intensive One Year, Long Research Project.*

¹⁷² *HRC Quarterly Review, (1999), Children’s Rights and Personal Rights*, Section 28 (2), Section 33 (1) and (2).

Media reports indicated that 10 babies were abandoned in Gauteng in the year 2011-2012, with a growing concern over the unreported cases of children being abandoned and dumped, putting the life of children at risk.¹⁷³ The referred report further revealed that South Africa has about 86 600 children who are suffering from a wide range of challenges and they are in need of special care.¹⁷⁴ The report further indicated that 500 000 were already in foster care, country-wide.¹⁷⁵ Of the country's 19 million children, 45% were sent to child and youth care centres after being abandoned by their parents.¹⁷⁶ Annually, the police receive 4 000 cases of children being neglected and abandoned, country-wide.¹⁷⁷

Lisa Pfalzgraf, a volunteer for Door of Hope, a Christian group that runs homes for unwanted babies, reported that her hospice is looking after 54 abandoned babies.¹⁷⁸ The media has partly blamed the fathers of the children for not taking responsibility for their babies, with the result that the mothers are left alone.¹⁷⁹ The case is not only about the children being abandoned by their siblings but it is also about the husbands who abandon their wives or girlfriends, whether legitimate or illegitimate. There is a problem of relationships as well, looking at how people value and understand their relationships.

The statistics on the disposable and disconnected children, that is, abandoned children indicated that 65% of the abandoned children are new-born babies.¹⁸⁰ The mentioned sites of abandonment are toilets, drains, sewers, gutters, rubbish sites, dustbins, landfills, parks, open fields, streets, doorsteps, townships, train tracks and taxi ranks. This indicates that most mothers travel to informal environments to abandon their babies, to ensure their anonymity.¹⁸¹ Images of small dead bodies being recovered from such sites are shocking and disturbing.

¹⁷³ Child, K., and Hosken, G., (2012), *Born to be Dumped* in "The Times" Tuesday, May 29, 16.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

¹⁷⁶ Blackie, D.E., (2014), *Sad, Bad and Mad: Exploring Child Abandonment in South Africa*, Johannesburg: University of Witwatersrand, in a Dissertation in fulfilment of the Requirement for the award of a Degree of Masters of Anthropology, 6-12.

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

¹⁸⁰ Statistics South Africa. (2002), *Advance Release of Recorded Cause of Deaths 1997-2001. Statistical Release P0309.2*. Pretoria: Statistics South Africa for December.

¹⁸¹ Ibid.

Per the Gauteng Forensic Pathology Service (Pretoria News 05/11/2010), most of the abandoned children belong to the most vulnerable group of children, pointing to infants who are born with acute physical and mental challenges.¹⁸²

1.4.3. CHILD HOMICIDE CASES

Children with disabilities have also fallen victims of homicide in some sectors of life in South Africa, particularly in rural settings. A National Youth Study in 2008 revealed that many child murders have resulted due to sharp force injuries, highlighting brutal violence used against children.¹⁸³ Children under the age of one year were most at risk of being murdered by sharp materials.¹⁸⁴ A national study on child homicide based on mortuary and police data found that 1 018 children were murdered in 2009 in South Africa.¹⁸⁵ The above research study revealed that children with disabilities had a higher prevalence of neglect, physical abuse and other related abuses that could lead to homicide.¹⁸⁶ The report revealed that children with disabilities are easy targets of any form of abuse, due to the low esteem attributed to them.¹⁸⁷ They are also defenceless, in most cases. Potential offenders often take advantage of the mental and physical status of the child that renders them vulnerable.¹⁸⁸ The rates showed that life expectancy of children is hanging in the air. Deaths of infants still haunt the human community. The figures only indicated the institutional maternal mortality rates, excluding deaths outside the public health institutions.

The reality is that when pregnant women are admitted to the maternity wards, they receive full medical attention and services until the birth of the child. After the birth of the child, the mothers are discharged to their respective families, where they are meant to continue receiving post-natal advice and medication, particularly those with birth complications

¹⁸² Blackie, D.E., (2014), *Sad, Bad and Mad: Exploring Child Abandonment in South Africa*, Johannesburg: University of Witwatersrand, in a Dissertation in fulfilment of the Requirement for the award of a Degree of Masters of Anthropology, 6-12.

¹⁸³ Ibid.

¹⁸⁴ Ibid. 35.

¹⁸⁵ Mathews, S., Abrahams, N., Jewkes, R., Martin, L.J., and Lombard, c., (2012), *Child Homicide Patterns in South Africa: Is there a link to child abuse?* Cape Town: Research Brief Medical Research Council, 20.

¹⁸⁶ Ibid.

¹⁸⁷ Ibid.

¹⁸⁸ Landsdown, G., (2002), *Disabled Children in South Africa: Progress in Implementing the Convention on the Rights of the Child*, Cape Town: The International Disability and Human Rights Network, 14-15. Landsdown on the experience of disabled children cited that South Africa's history of institutionalised violence against most its population has left deep scars which are proving profoundly difficult to eradicate. The Government acknowledges that its children have been and still are exposed to inordinately and traumatic levels of violence in its many forms – political, criminal, domestic and structural. (.) And these generalised high levels of physical and sexual violence throughout South African society inevitably impact even more significantly on disabled children as among its most vulnerable members. The government recognises that disabled children are particularly vulnerable to abuse of all kinds.

involving their new-born babies, who require further medical assistance administered by the primary health care services within their homestead. This is the place where mothers face all sorts of social pressure from their peer groups, family, and siblings. They face cultural interference, economic hardships, and traumatic fear of living with a child born with physical and mental disabilities. There are several factors that come into play in the case of infants born with challenges of this nature. The general perception is that when most families are faced with the presence of a child with physical and mental disability, the entire family wrestles to come to terms with such a reality. The desire to keep the child is heavily challenged with their preferred option to have a normal child, along with the fear to cope with the situation. The birth of a child with disabilities poses as a serious family issue to live with.¹⁸⁹

Normally, families will take into consideration basic issues of human life that weigh on their consciences. They have to consider issues like the kind of future the child has, its special social needs, what opportunities there are in life for the child, who will take care of the child when the parents are not there, the fear of other children's stigmatization to live with the child, the economic muscle to handle the situation which they have bargained for by living with the child, the mother's fear for her relationship with the child, which may haunt her for life, the fear of preserving the marriage, in case of the situation where the husband is indifferent about keeping the child, and many other major influential elements, on a larger societal level.

The research project poses questions that mostly impact on the rejection of a child born with physical and mental disabilities. There is an impression that the family, particularly the parents, find themselves in a dilemma,¹⁹⁰ i.e. the woman's anguished decision to terminate the life of the child by simply abandoning the child in inhuman conditions, compared to the decision to live with the child and cope with such pain of having a child of that nature for the rest of her life. In the face of such circumstances, many families, particularly mothers, opt to abandon their children in inhuman places, where a child lacks anything basic to live

¹⁸⁹ Vorster, R.W., (2015), *Abandoned Children, SA's Dirty Little Secret*, in *Daily Maverick*, <http://www.dailymaverick.co.za/opinionista/2015-07-09-abandoned-children-sas-dirty-little-secret/#.WD6WDdJ97IU>. Posted on 30th November, 2016, 10:58 (South Africa). Vorster in this article further states that around 3,500 children are abandoned in South Africa annually. News of yet another child found dead or left in a precarious position elicits strong public condemnation and emotion. Public consensus on the issue of child abandonment generally provokes a knee-jerk response to blame and demonise mothers.

¹⁹⁰ Rogers, C., (2007), *Disabling a Family? Emotional Dilemmas Experienced in Becoming a Parent of a Child with Learning Disabilities*, in *British Journal of Special Education*, Cambridge: Volume 34, Issue 3, September, 136-143.

on and finally death takes place.¹⁹¹ Most families these days constitute only the child and the mother.¹⁹² In the context of such a difficult situation, the burden is left in the hands of the mother. She loses the energy to come to terms with such a heavy burden that she should carry, amidst other life-threatening burdens that she might be facing. In the region under discussion, there are many families where it is only a mother and the children that make up a family.¹⁹³

The situation shown in the current statistics has raised an awareness of something that has gone wrong in society. In view of these reports, community health-care workers have been dispatched to the various places in the country with the task of conducting post-natal care home visits, aimed at identifying social problems facing mothers and families at large.¹⁹⁴ In their report on maternal and child health, the Department of Health tasked the primary health care service to provide the various sectors of human life with quality post-natal services.¹⁹⁵ The situation is quite different. There is a question on the implementation of the applicable legislation and the policies made at national level. The report by Meintjes and Bray indicated various challenges in the following areas: the appointment of competent and skilled professionals, the consistent and systematic supervision of health facilities to ensure quality care-services and inadequate community-based programmes aimed at reducing child mortality rates at local level.¹⁹⁶

The exposition above reflected the contemporary situation facing children in South Africa. In consideration of the many unreported deaths of children in the various locations in the country, particularly the high proportion of deaths that take place outside or within health institutions, the fact is reflected that children who are born with physical and mental disabilities are the most vulnerable targets of fratricide.¹⁹⁷ In view of such cases of

¹⁹¹ Gwala, V. and Jooste, B., (2010), *Don't Abandon Your Babies*, in *IOL News South Africa*, <http://www.iol.co.za/news/south-africa/don't-abandon-your-babies-673501>, Posted on 19th August 2015, 3:17 pm. The article further stated that the Pietermaritzburg Child and Family Welfare Society reported 29 abandoned children who were brought to the centre citing the fact that most mothers abandoned their children because they lacked financial and psychological support.

¹⁹² Meintjes H., and Bray, R., (2005), *But Where are our Moral Heroes? An Analysis of South African Press Reporting on Children Affected by HIV/AIDS. A Joint Working Paper by the Children's Institute and Centre for Social Science Research*. Cape Town: University of Cape Town Press Report in September, 11.

¹⁹³ *Ibid.*

¹⁹⁴ Department of Health South Africa, (2010-2012). *Annual Report*.

¹⁹⁵ Mkhize, V., (2013), *Babies Abandoned in some Gauteng Hospitals*, in the "*The Star*", Friday, 11th October, 6.

¹⁹⁶ Meintjes H., and Bray, R., (2005), *But Where are our Moral Heroes? An Analysis of South African Press Reporting on Children Affected by HIV/AIDS. A Joint Working Paper by the Children's Institute and Centre for Social Science Research*. Cape Town: University of Cape Town Press Report in September, 11.

¹⁹⁷ South African Medical Research Council, (2012), *Research Briefing on Child Homicide Patterns in South Africa: Is there a Link to Child Abuse*, Cape Town: Forensic Pathological Services, 2.

unreported deaths of children, the government had put in place two death-review processes, namely The National Committee on the Confidential Enquiry into Maternal Deaths (NCCEMD) and the Child Health Care Problem Identification Programme (Child PIP).¹⁹⁸

In view of the fragmented notification system, and the poor or absent database where people can report incidents of the deaths of children in most residential areas, and limited resources, the government has put in place five systems which currently collect data on childhood deaths on a regular basis. These are Demographic and Health Surveys (DHS), the Death Notification System (Vital Registration), the District Health Information System (DHIS), the Child Healthcare Problem Identification Programme (Child PIP) and Demographic Surveillance Sites (DSS).¹⁹⁹ The statistics available give a strong background to the whole schema of child mortality. Attention will be paid, on this research, to such cases of children who die due to parental negligence, based on the physical and mental status of the child. Nelson Mandela once said: “There can be no keener revelation of the society’s soul than the way in which it treats its children.”²⁰⁰

In accordance with the first triennial report, the magnitude of childhood deaths in South Africa is alarming and the purpose of the committee on morbidity and mortality in children under the age of five is not only establishing the numbers of children who die, but to describe the demographic characteristics of those children, i.e. the who, what, when, and where and the associated risk factors. The study explored some of the medical challenges that hamper the process of medical services for children. Observation of these statistical records showed that there is lack of adequate information on cases of child deaths and the related causes, lack of adequate antenatal care, delays in accessing medical care, family and community problems and various factors leading to child deaths in society.²⁰¹

Health-worker oriented problems range from lack of or incomplete initial medical assessment, incorrect management, and complete lack of monitoring of the situation at the household level. The study gave information on the strategic plan for maternal, new-born babies, women’s health, and nutrition in South Africa, to curb unnecessary child deaths. The report indicated that there is a wide range of causes of child deaths in the early neonatal

¹⁹⁸ Ibid.

¹⁹⁹ Ibid.

²⁰⁰ This was one of the remarks made during his private audience with the journalists who questioned him over the then human situation in the country with special focus on the future of the youth and the nation in general.

²⁰¹ Meintjes H., and Bray, R., (2005), *But Where are our Moral Heroes? An Analysis of South African Press Reporting on Children Affected by HIV/AIDS. A Joint Working Paper by the Children’s Institute and Centre for Social Science Research*. Cape Town: University of Cape Town Press Report in September, 11.

period, namely 45% die of immaturity, 28% die of intra-partum hypoxia, 10% die of various infections, 8% die of congenital abnormalities and 12.8% die of low birth weights²⁰². In all the above percentages, there is one aspect that is prevalent and yet it does not appear on the list above. This is what is called induced child deaths due to their physical and mental disabilities²⁰³ Medical reports indicated that most of the children who are victims of such inhuman acts are found to exhibit certain physical and mental disabilities during the post-mortem reviews.²⁰⁴

1.5. THE CONSTITUTION OF SOUTH AFRICA ON THE CHILDREN WITH DISABILITIES

The government policy framework shows the government's commitment to protect the life of a child from birth to natural death as an adult. The Bill of Rights for Children, the ratification of the International Child Rights Conventions, which include the African Charter on the Rights and Welfare of the Child, and the United Nations Convention of Rights of the Child, as envisaged in the South African Constitution, are clear manifestations of the government's firm commitment to safeguard and protect the child.²⁰⁵ The United Nations statement on the rights of persons with disabilities states:

“The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and the fundamental freedoms by all persons with disabilities and to promote respect for their inherent dignity.”²⁰⁶

The South African Government is a signatory to this international convention and ratified the contents of this convention in full for the realization of the dignity of persons with disabilities. In that sense, the government is ensuring all people with disabilities the

²⁰² South African Medical Research Council, (2012), *Research briefing on Child Homicide Patterns in South Africa: Is there a Link to Child Abuse*, Cape Town: Forensic Pathological Services, 2.

²⁰³ PCA REPORT, (2016), *Neonatal and Child Death in KZN* In <http://www.kznonline.gov.za/hivaids/Provincial-Councils-on-AIDS/2016/Neonatal%20and%20Child%20Deaths%20in%20KZN.pdf> Posted on 20 November, 2016, 11:30 am. 2-3.

²⁰⁴ Ibid. Landsdown, G., (2002), *Disabled Children in South Africa: Progress in Implementing the Convention on the Rights of the Child*, Cape Town: The International Disability and Human Rights Network, 14-15. Landsdown on the experience of disabled children cited that South Africa's history of institutionalised violence against most its population has left deep scars which are proving profoundly difficult to eradicate. The Government acknowledges that its children have been and still are exposed to inordinately and traumatic levels of violence in its many forms – political, criminal, domestic and structural. (.....) And these generalised high levels of physical and sexual violence throughout South African society inevitably impact even more significantly on disabled children as among its most vulnerable members. The government recognises that disabled children are particularly vulnerable to abuse of all kinds.

²⁰⁵ *Constitution of the Republic of South Africa*, (1996), Chapter 2, Section 9, 10, 12 and 28.

²⁰⁶ United Nations, (1995), *Convention on the Rights of Persons with Disabilities and Optional Protocol*, Article 1, 4.

provision of disability related services and to bring about change in attitude towards children with disabilities. The idea is to manage practices that stigmatizes and dehumanizes children with disabilities. Considering the current circumstances of child abandonment, dumping, and sometimes even killing children with disabilities defeats the ends of justice enshrined in these conventions namely: The United Nation's Convention on the Rights of Persons with Disabilities and Optional Protocol and the South African Constitution. It is in this regard that the treatment given to children with disabilities in some other sectors of life remains a major concern.

These children face an atmosphere of hate and violent forces that often deny them of their identity as human beings.²⁰⁷ To this effect, incidents of abandoning of children in inhuman conditions have become common in the region.²⁰⁸ Incidents of these acts compound heavily on the nation, if there are no formal ethical and legal norms in society. The sanctity of life²⁰⁹ seems to have very little impact on the public, considering the high rates of abandoning and dumping of children.²¹⁰ The sanctity of life as a moral norm states that it is always a morally evil act to abandon intentionally and directly, dump and kill an innocent human being. In this case, we can understand that it also refers to a child who is born with physical and mental disabilities.²¹¹

In view of the above basic human values envisaged in the ethical norms, and in consideration of the dictates of the International Human Rights Charter, the Report of the Minister of Social Development stated that the government introduced several initiatives to address the needs of children and youth, with the aim of creating a caring and integrated system of social development services that would facilitate human development. Some of the major institutions that were put in place to ensure the welfare of children are the 1996 Constitution

²⁰⁷ Nagel, N., (2014), *National Adoption Coalition: Fact Sheet on Child Abandonment Research in South Africa, Media Interviews with NACSA and Dee Blackie: Teresa Settas Communications, 20th May. On an Intensive One Year, Long Research Project.*

²⁰⁸ Ibid.

²⁰⁹ Baranzke, H., (2012), *Sanctity of Life – A Bioethical Principle for a Right to Life?* In Musschenga, A., W. and Heeger, R., (Eds), *A Journal of Ethical Theory and Moral Practice*, Massachusetts: Springer Publishers, Volume 15, Issue 3, June 2012, 281-282. The notion of Sanctity of Life is used to mean that human life is sacred, it has a unique value beyond all living creatures since human beings were created in the image and likeness of God. Therefore, violation of the inherent rights of children with disability disrespects a child's God given freedom and dignity. The reason the research work here uses this ethical concept is because it informs us on virtue-ethical quality of acting. It helps someone to create self-responsibility and towards others hence demanding that we take care of one another. This concept is very fitting for this discourse as we come to realize our relational responsibilities towards children with disabilities. Therefore, it is a concept that people ought to adopt as means establish human dignity for everybody alike.

²¹⁰ Bailie, G., (2004), *Violence Unveiled: Humanity at the Crossroads*, New York: The Crossroad Publishing Company, 153-166.

²¹¹ Ibid.

of South Africa, the Children's Act No. 38 of 2003, the Children's Amendment Act No.41 of 2007 and the Non-Profit Organization Act No. 71 of 1997, as amended.²¹²

The 1996 South African Constitution, Section 28, states that "every child has the right to family care, parental care and appropriate alternative care when removed from the family".²¹³ The child has the right to a healthy environment, basic nutrition, shelter, basic health care and social services and to be protected from maltreatment, neglect, abuse and degradation.²¹⁴ Further to these legal norms, the Reconstruction and Development Programme in South Africa (RDP) had set up goals that provide strategic guidance, priorities and specific targets which inform and guide provincial authorities, in collaboration with civil society, other organizational authorities, communities and individuals of good will, aimed at providing improved protection for children in difficult circumstances, which include children who are born with physical and mental disabilities.²¹⁵ Specific to legal statements, Child Care Act No. 38 of 2005 provides the official investigation decree into cases of alleged abuses and neglect in the Children's Court of Inquiries.²¹⁶ Section 42 of the same Child Care Act of 1983 compels health care professionals, social workers, teachers, managers and staff of various children's homes to report suspected ill-treatment of children.²¹⁷ Section 50 provides for prosecution in cases of ill-treatment or abandonment of children.²¹⁸

The current situation in the country defeats the goals and ideals stipulated by the different legal and ethical documents mentioned above. The high rate of acts of abandonment of children is enough evidence to prove the contrary. In the context of such high ideals and goals, and within the context of having various government institutions established to address the problem, the project questions the delivery of services in the various sectors of life in the region. The system requires constant and regular review if all the priority goals and ideals enumerated are to be met and the intended goals achieved.

²¹² HRC Quarterly Review, (1999), *Children's Rights and Personal Rights. Human Rights Review*: New York: Human Rights Committee. 36-55.

²¹³ *Constitution of the Republic of South Africa*, (1996), Chapter 2, Section 9, 10, 12 and 28.

²¹⁴ *Ibid.*

²¹⁵ The Human Rights Council Resolution 26/20, (2015), *On the Rights of Persons with Disabilities to Social Protection: Special Rapporteur Questionnaire to States Parties*, Republic of South Africa and Response from the Government of South Africa, 9. It states: "Since 1994 the government has formulated various policies to address the inequalities which were embedded in the policies pursued by the apartheid regime. The policies have focused on empowering previously disadvantaged groups including women, children, and disabled persons. These policies are contained in various policy documents such as the Reconstruction and Development Programme (RDP), Growth, Employment, and Redistribution (GEAR) and the Integrated National Disability Strategy (INDS). The need for relevant data and information on prevalence and experience of disability has increasingly grown because of the need to monitor and evaluate the impact of these policies.

²¹⁶ *Child Care Act 38 of 2005*, Gazette No. 28944, Notice No. 610. Chapter 2, Section 2, Article 11, 1 and 2.

²¹⁷ *Ibid.*

²¹⁸ *Ibid.*

1.6. PATHOLOGICAL FORENSIC AND REVIEW OF CHILDREN'S ACT

In consideration to the exposition given previously, there is an indication of the fact that we are facing a unique phase of life for children with disabilities. Children are facing various forms of abuse. In this regard, this part of the study will make further exploration on the issue of children with disabilities who face challenges that put their lives at risk. We will study the findings given by the Pathological Forensic as to whether they inform us of children being abandoned, dumped, and sometimes killed. The idea is to establish a logical and systematic syllogism that can be verified and meet the needs of children with disabilities. The former president of the Republic of South Africa, Nelson Mandela, was once quoted as saying: "We owe our children, the most vulnerable citizens in society, a life free from violence and fear."²¹⁹

In this report, the Head of the Department of Education stated that the priority of each community ought to be the health, safety, and well-being of its children.²²⁰ This was in response to the situation of children who are in danger of being abused, neglected, exploited, and exposed to all forms of violence. Such dangers are a reality in the region, needing intervention. There is a concern that children with disabilities tend to be soft spots of entrance for abuse.

Children with disabilities have the right to be treated with dignity and at all cost ensuring that they are not subjected to abuse due to gender, race, socio-economic status, disability, sickness, and other cultural factors.²²¹ One form of violence against children is infanticide. It is one of the crucial issues in the region in question which points to the fact that the Pathological Forensic have a task to deal with to redress the situation. For instances, cases of child homicide have been identified and determined from mortuary death registers.²²² Relevant follow-up and investigations by competent experts has proved crucial and challenging. Cases of child homicide that have been identified have always been referred to relevant authorities for further action and considerations, as is the norm.²²³ Some of the

²¹⁹ Department of Education, Province of Kwazulu Natal, April, (2012), *On Psycho-Social Services and Special Needs Education Services' Report*. Nelson Mandela was quoted and this statement was instituted in the *Guidelines for the Management of Child Abuse, Neglect, and Exploitation for Public Schools in Kwazulu Natal*. Pietermaritzburg.

²²⁰ Ibid.

²²¹ Ibid. 1.

²²² Ibid. South African Medical Research Council, (2012), *Research briefing on Child Homicide Patterns in South Africa: Is there a Link to Child Abuse*, Cape Town: Forensic Pathological Services, 2.

²²³ Department of Social Development/ Department of Women, Children, and People with Disabilities, (2012), *Children with Disabilities in South Africa: A Situation Analysis 2001-2011*, Pretoria: UNICEF/Rebecca Hearfield, 22-24, 54-68.

crucial issues examined are circumstances around the death of the child, victim-perpetrator relationships, information about the perpetrator and related pointers to any sort of abuse of the child.²²⁴ A study of that sort is intended to establish evidence regarding the assumption that children who are born with physical and mental disabilities are part of those children who are abandoned, dumped and sometimes killed.

Pathological Forensic studies and research on child homicide had shed some light on some statistical data stating that 1, 018 children were murdered of which 44.6% were due to child abuse and neglect.²²⁵ According to Nadine, countless babies who may or may not have died of homicide are simply never found.²²⁶ The forensic report emphasised that most children who are found abandoned or dumped, whether dead or alive, have a number of complications, ranging from physical to mental disabilities with varying degrees.²²⁷ The findings further established that there is an increase in the number of new born babies who are victims of culpable homicide.²²⁸ Mortuary and police data substantiate the above phenomenon.²²⁹ There is an element of the concealment of the cause of death of the child with disabilities.²³⁰ For instance, The South African Medical Research Council through its Institutions gave a Pathological Forensic report saying:

“We found that child abuse deaths in the home contributed substantially to the burden of deaths in the under – 5 age group. Deaths due to severe physical abuse are mostly likely to be recognized as abuse deaths, while deaths related to omission of care, such as neglect, abandonment, drowning and poisoning, often remain undetected.”²³¹

Using Pathological Forensic Death reports, we can understand the situation in a better way. Such medical information on the outcome of the death of a child creates a better picture of the circumstances involved in the death of a child. Local forensic pathology services indicated that babies dumped and abandoned in most places have a wide range of bodily anomalies that might have led to child homicide.²³² We also need to consider that

²²⁴ Ibid.

²²⁵ Medical Research Council, (2015), *Every Child Counts: Lessons From the South African Child Death Review Pilot*, <http://www.ci.org.za/depts/ci/pubs/pdf/workingdiscussionpapers/2015/Every-child-counts-july2015>, Cape Town: Research Brief, Children’s Institute, 2-5. Posted on 20th July, 2015, 10:30 GMT.

²²⁶ Ibid.

²²⁷ Ibid.

²²⁸ Mathews, S., Martin, L.J., Coetzee, D., Scott, C., Naidoo, T., Brijmohun, Y. and Quarrie, K., (Eds), (2016), *The South African Child Death Review Pilot: A Multiagency Approach to Strengthen Healthcare and Protection for Children*, in *South African Medical Journal*, Cape Town: Health and Medical Publishing Group, Volume 106, No. 9, 895-899.

²²⁹ Ibid.

²³⁰ Ibid.

²³¹ Ibid.

²³² Committee on Morbidity and Mortuary, (2014), in *Children under 5 Years: 2nd Triennial Report of the Committee on Morbidity and Mortuary*, Pretoria: COMMIC, 895-899.

communication, in terms of the causes of child deaths, particularly in informal rural settings, is very poor, despite the existence of the various governmental and non-governmental institutions that have been put in place for the procurement of the statistical data on child deaths. In view of this pressing situation, the government introduced several initiatives aimed at addressing the needs of children, by creating a caring and integrated system of social developmental services that would facilitate human development.²³³ We therefore need to factor the point that Pathological Forensic findings and information regarding the circumstances of deaths of children with disabilities is crucial. Their determination on the causes of deaths of children with disabilities is in a sense bringing about the truth behind the unknown. At least at this point, we can verify certain issues surrounding the deaths of children with disabilities. To this effect, we are aware of some of the circumstances that the reports have highlighted, informing us that some children with disabilities are abandoned, dumped and sometimes death is induced on them. Regarding the current research work, we now affirm with concern that children with disability constitutes people whose inherent rights and dignity are violated in some sectors of life, perpetrated by their siblings or immediate family members.²³⁴

1.7. THE MAGNITUDE OF THE EXISTENTIAL PROBLEM

The Department of Health has the responsibility of ensuring that the health needs of the population are addressed, within the limits of their resources.²³⁵ The policy acknowledged the gaps available and the requirements of service delivery within the country.²³⁶ The region faces acute shortage of health professionals, poverty levels remain high and the region lacks a comprehensive package of services, as prescribed by the National Department of Health.²³⁷ In a situation of this nature, parents get frustrated for the lack of services. Observation on the statistics of children with mental and physical disabilities requires that the region be well

²³³ Department of Social Development, (2011), *Minister's Annual Report, in the Children Services Directory KwaZulu-Natal 2011: A Guide to Provincial Non-Profit Organization and Government Resources for Vulnerable Children: Building a Caring Society Together.*

²³⁴ The Department of Women, Children, and People with Disabilities, (2012), *Violence Against Children in South Africa*, Pretoria: UNICEF, 14-40. In this publication, the Department of Social Development and the Department of Women, Children and People with Disabilities presents the type of violence against children at various levels of society and indirectly names the perpetrators of violence towards children in general. To some extent, the publication highlights the plight of the children with disabilities with minimal reference to the perpetrators as the crucial issue is not necessarily to name perpetrators rather to curb the injustices done to children with disabilities.

²³⁵ Health Department, (2015 – 2019), *Strengthen Human Resources for Health, Strategic Plan 2015-2019*, Goal 4, Province of Kwazulu-Natal, 63-64.

²³⁶ Ibid. Some of the gaps identified are: Quality care for all people, Monitoring the implementation processes, Accessibility of Health Institutions for all people, Man-power/work-force. Etc.

²³⁷ Ibid.

equipped to deal with the reality of children with disabilities. Lack in infrastructure, experts in specific areas of medicine and counselling would aggravate the plight of children with disabilities. Constant monitoring of the policies' implementation strategic plans is crucial. Failure to adopt the existing policies may result in raising the number of children with disabilities. All natural and artificial causes of physical and mental disabilities ought to be acknowledged and taken care otherwise they might be a factor the proliferation of the suffering of children with disabilities. The Province of Kwazulu-Natal has the prevalence of 8.6% persons with disabilities.²³⁸ The implication of the statement given above, is an indication that the number of children with disabilities who are vulnerable has a bearing on policy matters. If policies override people's needs, then such conditions may bleed a culture of violence in the process of fighting for survival.²³⁹ Contextual factors leading to child abuses as observed among children with disabilities creates a volatile environment for survival of the children. In the context of the rural settings, children with disabilities are challenged with high cost of living to get to schools, health centres creating an added burden to their fragile life.²⁴⁰ Further to the point raised above is that in some sectors, children with disabilities are side-lined and issues related to their welfare are relegated to the margins.²⁴¹ The implementation of the ratified conventions seem to pose a challenge in the current political dispensation. On the other hand, primary care for children with disabilities is also a challenge to single parents considering the issue of poverty, unemployment and other related socio-economic factors involved. Many mothers who give birth to children with disabilities suffer from post-natal depression and frustration.²⁴² For instance, Thangwane reported that most mothers who suffer from post-natal depression keep on living on their own, without seeking medical intervention, until they reach the breaking point of making the decision to abandon and dump their child in inhuman conditions.²⁴³ To this effect, we experience a social crisis within and failure to cope with the situation may result the abandonment or dumping of a child with disabilities. Further media citations reported that most of the people

²³⁸ Statistics South Africa, (2016), *Community Survey 2016 Statistical Release*, Pretoria: Statistics South Africa, 33.

²³⁹ Hesselink-Louw, A., Booyens, K. and Neethling, A., (2003), *Disabled Children as Invisible and Forgotten Victims of Crime*. Acta Criminologica 16(2), 165-180. This citation confirmed that South Africa has high levels of interpersonal, community and sexual violence. Various groups of children, including children with disabilities are particularly vulnerable to violence.

²⁴⁰ Department of Social Development and Department of Women, Children, and Persons with Disabilities, (2012), *Children with Disabilities in South Africa: A Situation Analysis 2001-2011*, Pretoria: DSD, DWCPD, UNICEF, Article 35.

²⁴¹ Ibid.

²⁴² Williams, D., (2007), *Twelve Month Mental Health Disorders in South Africa: Prevalence, Service Use and Demographic Correlates*, Cape Town: Mental Health and Poverty Project, 38: 211-220.

²⁴³ Thangwane, R., (2012), *Don't Keep Going until you Reach Breaking Point, Get Help Early for Post-Natal Depression* in "The Saturday Star," June. 10.

who abuse children go unnoticed, because they normally abuse the child privately.²⁴⁴ In this regard, it is almost impossible to bring such perpetrators to justice. In conclusion, the increase in numbers of children born with disabilities in the rural areas, the treatment given to some of them and the reality of the culture of violence in general presents the magnitude of the challenge facing children with disabilities in the Province of Kwazulu-Natal. There are more media reports indicating the persistence of children being dumped, abandoned, and sometimes killed because they are born with disabilities²⁴⁵. This is a sign of retrogression on the part of the achievement of the intended millennium goals of human development.

1.8. RESEARCH FINDINGS

The academic articulations and discussions on children with disabilities is still limited though one can still access some academic and legal documents dealing with issues related to children with disabilities. The first chapter also considered the exploration on the experience facing children with disabilities. The general observation points to the fact that we have not yet come to the appreciation of the reality of living with children with disabilities. Some of the citations given in the discussion may witness that more needs to be done. The patterns and levels of child abuses especially children with disabilities appeared in our findings as being something critical. The realization of the human rights for children with disabilities seem to be distanced in some other sectors of life. The chapter also made some in-depth exploration on what constitutes disability. It takes many forms including difficulties in seeing, hearing, communication, walking, mental, remembering/concentrating disabilities, self-care and so many other forms. There are also variations among children with disabilities in terms of accessibility to some sort of assistive devices.

There are many children in South Africa who face death at an early stage of their lives. There are numerous factors leading to such a situation facing children with disabilities in the region. Child abuse ranges from denial of their inherent rights to life, to being abandoned and dumped in inhuman conditions. Some children end up living and growing in the streets, independently surviving on their own. These children live in difficult social circumstances. Further to the above findings, we have come to recognize the promulgation of a new movement in South Africa called the Child Theology Movement (CTM).²⁴⁶ It is a faith

²⁴⁴ Molosankwe, B., (2013), *Shock over baby torture sentence: Concern that message being sent is not enough* in “*The Star*,” Thursday 7, 10.

²⁴⁵ Health Systems Trust, (2016), *Thousands of Children Being Dumped in South Africa*, in *The South African Health Review Journal*, Cape Town: HST Publishers, 416. 907.

²⁴⁶ White, K.J., and Willmer, H., (2014), *Child Theology Movement*, in <http://www.childtheology.org> viewed on 11/25/2014.

movement, which puts the plight of vulnerable children at the centre of their theological reflection. CTM addresses the various social issues affecting children, namely child labour, street children, child trafficking, child-sex abuse and the various abuses directed at children.²⁴⁷ The movement engages the various disciplines in the process of listening to the plight of vulnerable children. In this case, vulnerable children include children with disabilities. It tries to approach the plight of children with disabilities from the Christian way of reflecting on the divine truth. It is therefore a new way of theological reflection called Child Theology.²⁴⁸ The fact is that there are so many social issues that affect the lives of children with disabilities. The vision and mission of Child Theology in this regard is to foster a public awareness of the reality at hand, i.e. the abandonment, dumping and unwanted killings of innocent children with disabilities. Its mission is to protect and save the lives of children who are vulnerable. The vision is to promote the dignity of human life at all levels, without compromise. The current study looks at the plight of children who are born with disabilities in a critical way. Children with disabilities are dependants who are still under the custody of their parents and yet some of them face severe abuses. In the context of the abuses experienced by children with disabilities, Child Theology focuses on how it can bring about human dignity and integrity.

1.9. CONCLUSION

In conclusion, the first chapter dealt with a socio-cultural analysis regarding the experience of children with disabilities in the Province of Kwazulu-Natal. We made use of the available data on issues related to children with disabilities. The main aim was establishing the facts about the various forms of abuses rendered to children with disabilities in the region. This became the point of departure in this discourse. The chapter was divided into two parts. The first part contains a definition of terms and a socio-cultural analysis of the context facing children with disabilities. The second part explored the political/medical articulation and circumstances related to children with disabilities. Whilst medical, technological and especially socio-cultural factors form part of the analysis of the existential problem, it is the moral dynamics that broadens the relevance of the current research. The case study of the plight of children with disabilities in KwaZulu-Natal effectively highlights major moral issues involved.

²⁴⁷ Ibid.

²⁴⁸ Ibid.

The research findings established the fact that the abandonment of children with disabilities is a reality which has raised concerns and ethical questions. The following chapter will present some of the reasons why children with disabilities are abused and make an in-depth excavation on issues around the culture of violence in the region. As a society, within the context of dehumanizing overtones, we seem to be regressing and missing out in the attainment of the millennium goals. The prevalence of child abuses points to a situation of moral decadence in society. Certain values appear to have faded away and abandoning and dumping of children seems to over-ride the intrinsic worth component of human life. The next chapter will critically engage the various trends of thought and how they have influenced certain moral decisions of some people in the region.

CHAPTER TWO

2. REASONS FOR ABANDONING AND DUMPING OF CHILDREN WITH DISABILITIES

2.1. INTRODUCTION

In the first chapter, we presented the socio-cultural and political analysis of the situation of children with disabilities in the Province of KwaZulu-Natal. To some degree, the situation facing children with disabilities in the region reflects a broader spectrum of what happens in other parts of the world.²⁴⁹ We can affirm at this point that children with disabilities constitute part of a group of people in society that are exposed to inhuman conditions which deny them of their inherent right to life.²⁵⁰

The context within which such infants live pose one of the most pressing moral concerns of our time. It is within this realm that the second chapter will explore the reasons why children with disabilities are treated in a manner not befitting a human being. Consideration is given to a wider moral vision. Per Rand and Dana (1989), moral vision is about changing values and respecting people's inherent human rights. It is also about advocating for a morality of care especially for the vulnerable group of people. It is about doing good and avoiding anything that would bring harm to another person. It is also about living a virtuous life that is oriented towards achieving the common good.²⁵¹ The chapter will consider presenting the central beliefs and perspectives that have shaped the perceptions that people incite them to abandon, dump and sometimes kill infants.

²⁴⁹ Hurst, L., (2000), *Saving Babies from the Trash*, in *the Toronto Star*, March, 5, available at <http://www.thestar.com/thestar/back-issues/ED2.../2000030NEW06-FO-ABANDON.htm>. Posted on 15 August, 2000. The media report in this article pointed out that abandoned new born babies have been found in locations including: trash cans, sewers, rivers, back alleys, lying in debris alongside railroad tracks and stuffed down gas station toilets. The current research work also established almost similar patterns of child abandonment and dumping in Kwazulu-Natal and some parts of South Africa. The phenomenon of dumping and abandoning children is a common scenario. In this case, the current discourse was trying to establish as to what group of children are victims of child abandonment or dumping. The findings have indicated that children with disabilities are the most victims of child abuses, at least in this region.

²⁵⁰ United Nations, (2007), *From Exclusion to Equality: Realizing the Rights of Persons with Disabilities*, A Handbook for Parliamentarians on the Convention on the Rights of Persons with Disabilities and its Protocol, Geneva: Inter-Parliamentary Union, NO. 14. In this article, it is stated that persons with disabilities remain amongst the most marginalized in every society. While the international human rights framework has changed lives everywhere, persons with disability have not reaped the same benefits. Regardless of a country's human rights or economic situation, they are generally the last in line to have their human rights respected. Being denied the opportunities that would enable them to be self-sufficient, most persons with disabilities resort to the kindness or charity of others. In recent years, there was a growing realization throughout the world that continuing to deny 650 million individuals their human rights were no longer acceptable. It was time to act.

²⁵¹ Rand, J., and Dana, C.J., (1989), *Moral Vision and Professional Decisions: The Changing Values of Women and Men lawyers*, Cambridge: Cambridge University Press, 1-5.

There are several factors that play a major role in the development of such patterns of thinking. Normally, traits or patterns of character²⁵² will, eventually, influence individuals to develop character traits²⁵³ that later express themselves when faced with the challenge of the birth of a child with physical and mental disabilities. Some of the beliefs and character traits are embedded in us to an extent that we do not see things from the objective point of view rather we are often inclined to make a priority, our subjective motives hence compromising certain values. Sometimes this pattern of thinking prompts the justification of certain human actions which, from a Christian viewpoint, are maybe considered intrinsically evil. The Aristotelian-Thomistic moral tradition, when confronted with moral issues and dilemmas, considers the objective hierarchy of values, stating:

“Actions are to be judged as to how they promote or attack values within the objective hierarchy of values: there ought to exist a proper proportion between value sacrificed and value realized in any moral choices.”²⁵⁴

It is in consideration and understanding of the above discussion that we find that human beings are left with choices to make based on the nature of the value to be sacrificed for a greater good. In this case, the greater good would be to promote the implementation of the rights of children with disabilities and achieve the full realization of human dignity for them. Contrary to this affirmation, some people tend to sacrifice these values and choose to do away with the life of a child with disabilities. In theory, the affirmation of the values in people’s lives as stated in the above line of thought might seem quite pragmatic but it is a difficult task to carry out. In the context of having a child with disabilities, people tend to weigh the burden against the promotion of values and in this case, the inherent right to life. It is within this context that the subjective trend of thought seems to have indirectly contributed to the circumstances of the denial of the human rights for children with disabilities and their human dignity and integrity.

²⁵² Josefsson, K., Markus, J., Cloninger, C.R., Hintsanen, M., Salo, J., Hintsala, T., Pulkkiraback, L. and Keltikangas-Jarvinen, L., (Eds), (2013), *Maturity and Change in Personality: Developmental Trends of Temperament and Character in Adulthood*, Cambridge: Cambridge University Press, 713-727. In this book, it is stated that the degree and direction of personality change in adulthood is central topic in understanding human psychological development. Several personality theories have emphasized how adult personality tends to develop towards higher levels of psychological maturity.

²⁵³ Davenport, B., (2016), 20 *Good Character Traits Essential for Happiness*, in <http://liveboldandbloom.com/10/relationships/good-character-traits>. Posted on 30th November, 2016, 12:01 GMT. Character traits in this case refers to all the aspects of a person’s behaviour and attitudes that make up that person’s personality. Everyone has character traits both good and bad. Even characters in books have character traits.

²⁵⁴ Ikedu, D., and Wilson, B., (1984), *Human Values in a Changing World*, London: MacDonald and Company Publishers, 71-74.

As we make use of the term human dignity, we ought to remember that it is a term that sometimes can influence us negatively. For instance, there also exists a variety of perspectives on how people understand the concept of human dignity.²⁵⁵ To exemplify this kind of thought, we can imagine when a person exhibits what for some could be described as repulsive and irreversible physical and mental disabilities, some people may consider such a reality as bringing more harm than good to the person with disabilities, hence they may opt to do away with the life of the child with disabilities. Such an option may be considered as the best line of action in the interest of the child, which may include the termination of his or her life. To this effect, what is regarded as a dignified life excludes the circumstances of being physically and mentally disabled. This would be based on the understanding that unique medical complications, such as mental and physical disabilities, render someone's life a disvalue to him or her and a burden to the family, hence 'worthy' of being abandoned, dumped, or put to death.

The chapter will explore the reasons behind the various human acts towards children with disabilities. The exposition will have an impact on the following chapter, which will study the various theological and philosophical trends or theories that contribute positively and negatively to the realization of the human dignity of infants who are denied their human identity due to their mental and physical status.

2.2. DETERMINATION AND REASONS WHY CHILDREN ARE ABANDONED, DUMPED, AND KILLED

There are various reasons why people abandon and dump their infants, especially those that exhibit adverse physical and mental disabilities.²⁵⁶ Such human actions are based on the choices the parents or their mothers make in life. To fit one's choice into someone's interest may be complicated, since most of these babies may not, by their very nature, state what

²⁵⁵ Vorster, N., (2012), *A Theological Perspective on Human Dignity, Equality and Freedom, Verbum et Ecclesia*, 33(1), Article No. 719, 6. The article says that although the effort to employ human dignity explicitly as an interpretative tool in a legal document i.e. referring to the South African Constitution which used the term in one of its legal statements, must be commended, human dignity has proven to be a vague term in liberal human rights discourse. The reason is that human dignity seems to allow for all sorts of rights because of its broader range e.g. the right to pleasure, euthanasia, etc. Such promulgation of rights compromises a lot of the core human values.

²⁵⁶ Stopler, L., (2007), *Hidden Shame: Violence Against Children with Disabilities in East Africa*, Nairobi: Terre des Hommes Nederland, 12-22. The research done in Kenya, Uganda and Tanzania indicated that children with disabilities are often victims of violence than non-disabled children. The report further highlighted that within the three countries i.e. Kenya, Uganda and Tanzania, there are approximately 2.85 million children with disabilities. Girls with mental disabilities are prone to be sexually violated. Other forms of child abuse affecting children with disabilities ranges from debilitating forms of criminal neglect, cases of near and extreme deprivation and starvation, unhygienic living conditions and total abandonment. Cases of children with disabilities being killed or dying because of violence have also been recorded.

would be in their best interests regarding their lives. It is within such life-threatening situations that we need to resort to issues of human rights and human dignity governed by human and theological virtues.²⁵⁷ Even those who are not Christians, at least they may share in the living out of the human virtues. The art of living out a virtuous life may be a criterion when making choices that would befit the welfare of the child. O'Connell emphasizes the application of natural law, i.e. understanding of natural law as reason, human intelligence, prudent and thoughtful action, directed to human ends.²⁵⁸ Reason in this case would help us to act prudently and making choices objectively without compromising the inherent rights of children with disabilities. By our status as human beings, imbued with the capacity of rationality, we must make use of this intellectual faculty in solving challenging life issues. While we acknowledge that there are people of good will who take care of children with disabilities, many children with disabilities are hurt by people who ought to be taking care of them.²⁵⁹

Further to the above case, one of the reasons why children with disabilities are victims of violence is the lack of knowledge regarding the state of being a child with disability.²⁶⁰ People tend to exclude them from day to day chores of life while the children themselves may be wanting to participate in the events of the day.²⁶¹ To this effect, for some people, the presence of children with disabilities could be considered a burden as they would always need help from other people. For instance, people who look after them i.e. mothers, caregivers, medical staff, may get tired and may sometimes lack the necessary facilities to use.²⁶²

²⁵⁷ *The Catechism of the Catholic Church*, (2013), Article No. 7, 398-404. The Church defines human virtues as to mean stable dispositions of the intellect and the will that govern our acts, order our passions, and guide our conduct in accordance with reason and faith. Theological virtues are defined as those elements that disposes Christians to live in a relationship with the Holy Trinity. They have God for their origin, their motive, and their object. To this effect, virtues therefore drives people to do good and avoid evil.

²⁵⁸ Tubbs, J.B., (Ed), (1996), *Christian Theology and Medical Ethics*, Detroit: Kluwer Academic Publishers, 13.

²⁵⁹ Stopler, L., (2007), *Hidden Shame: Violence Against Children with Disabilities in East Africa*, Nairobi: Terre des Hommes Nederland, 12-22.

²⁶⁰ Ibid.

²⁶¹ Department of Social Development/Department of Women, Children, and People with Disabilities, (2012), *Children with Disabilities in South Africa: A Situation Analysis 2001-2011*, Pretoria: UNICEF/Rebecca Hearfield, 74-75. Although a shift has been made at policy level from an approach based on the medical/welfare model of disability to one based on the social model, this is often not reflected in the attitudes and approaches of service providers and society at large. Many stakeholders report that many in the education sector have found it difficult to embrace the attitude and behaviour changes that are inherent in the change in basic assumptions underlying Education White Paper 6 on inclusive education. They further report that teachers at special schools often equip children with disabilities to function and communicate in a very narrow environment, without consideration for the need to integrate them with the wider community. Thus, these children do not learn the skills necessary for mainstreaming and they are isolated from their families and communities.

²⁶² Ibid. It is report in this Situation Analysis report that personnel from health sector identified one of the biggest challenges as the negative attitudes of service providers, which are seem to be based on ignorance, lack of understanding and stereotyping of disability. There is frequently a primary focus on the disability rather than on the child. Constraints regarding the understanding of disability on the part of the government officials arise

Such a situation may result into the care-giver becoming violent towards children with disabilities.²⁶³ Unfortunately, sometimes people who have children with disabilities have no formal training on how they could best take care of them (Children with disabilities) hence when they are frustrated and tired, they may become more violent to children with disabilities.²⁶⁴ Sometimes simple hazards may become great dangers in people's lives. In this case, lack of knowledge of children with disability alone may be a simple hazard but at the same time become a great danger to children with disabilities.²⁶⁵ To substantiate and crown the reality in the Province, A SECTION 27 REPORT with focus on the Umkhanyakude District, KwaZulu-Natal stated:

“The report documents widespread violations of the rights of children with disabilities in the Umkhanyakude District. These violations are so severe – twenty years into South Africa's constitutional democracy, fifteen years after the implementation of the South Africa's inclusive education policy began, and five years before the policy's implementation range is supposed to be completed – that it is clear the dual racial and disability apartheid in South Africa's education system persists. These realities, described in detail in this report, exact a very heavy price on poor, black children with disabilities in the umkhanyakude District, and amount to systematic violations of their constitutional rights to basic education, equality, and dignity.”²⁶⁶

This could be one of the reasons why some mothers or families resort to abandoning and dumping children with disabilities. In extreme cases, people may induce instant death on the child with disabilities as a way of resolving the issue of child disabilities in the family.²⁶⁷ Further to the above reasons for abandoning and dumping of children with disabilities, the research work also considered some of the reasons why children with disabilities are often times victims of homicide.²⁶⁸ Homicide is one of the leading causes of injury among children with disabilities.²⁶⁹ Child abuse deaths in the home contributed substantially to the burden

when untrained people are moved across from redundant posts to be employed as Disability Focal Persons. Staff therefore lack understanding of disability resulting in overall negativity and a focus only on the health condition and impairment of the child.

²⁶³ Ibid.

²⁶⁴ Ibid.

²⁶⁵ Ibid.

²⁶⁶ Hodgson, T.F. and Khumalo, S., (2016), *Too Many Children Left Behind: Exclusion in the South African Inclusive Education System with Focus on the Umkhanyakude District, KwaZulu-Natal. A SECTION 27 REPORT*, July 2016, 5.

²⁶⁷ Devakumar, D. and Osrin, D., (2016), *Baby Killing in South Africa – Uncovering the Unthinkable*, in *MEDICAL Brief, African's Medical Media Digest*, <http://www.medicalbrief.co.za/archives/baby-killing-in-south-africa-uncovering-the-unthinkable>. Public Health, Posted on April 27, 10:45 GMT.

²⁶⁸ Ibid.

²⁶⁹ Mathews, S., Martin, L.J., Coetzee, D., Scott, C., Naidoo, T., Brijmohun, Y. and Quarrie, K., (Eds), (2016), *The South African Child Death Review Pilot: A Multiagency Approach to Strengthen Healthcare and Protection for Children*, in *South African Medical Journal*, Cape Town: Health and Medical Publishing Group, Volume 106, No. 9, 895-899.

of deaths in the under 5 age group of children with disabilities.²⁷⁰ Children with disabilities are sometimes victims of homicide due to severe physical abuse related to negligence on the part of parents or care-givers.²⁷¹ Failure to seek proper medical care and lack of adequate supervision may contribute to the abuse of children with disabilities hence leading to the cause of deaths of children involved. In this context, early childhood period is crucial for children with disabilities compared to any other period during the life of the child. Lack of parental or care-giver support may lead to child abuse and homicide. It is in this context that fatal child abuse due to negligence from parents or care-givers ought to be conceptualised within the broader framework of violence against children with disabilities as an endemic social problem in society.

There is an awareness of the growing social crisis in the rural settings of the Province of Kwazulu-Natal in terms of the provision of socio-medical facilities due to the growth in numbers of the residents.²⁷² As the numbers of inhabitants increases, the socio-medical structures also get scarce. Sometimes even access to grants for children with disabilities is a major challenge.²⁷³ Child protection systems may not be able suffice for the increase in the population of people in the rural settings. Lack in some of the basic facilities mentioned above may lead to frustration on the part of parents or care-givers. In extreme cases of lack of the above basic facilities may factor the act of abandoning, dumping as well as killing children with disabilities.

In consideration to some reasons why some mothers or care-givers abandon, dump or sometimes even kill the child with disabilities on the psychological level is a matter of two things namely happiness and suffering that constitutes well-being of the child with disabilities.²⁷⁴ The level of happiness or suffering of the child with disabilities may have critical bearing on whether someone would opt to prolong the life of the child or considering to put an end to the life of the child with disabilities.²⁷⁵ In view of the current debate in this discourse, we are looking at what constitutes well-being of a child with disabilities. Giving

²⁷⁰ Ibid.

²⁷¹ Ibid.

²⁷² Blackie, D.E., (2014), *Sad, Bad and Mad: Exploring Child Abandonment in South Africa*, Johannesburg: University of Witwatersrand, in a Dissertation in fulfilment of the Requirement for the award of a Degree of Masters of Anthropology, 6-12.

²⁷³ Ibid.

²⁷⁴ Mayerfeld, J., (1996), *The Moral Asymmetry of Happiness and Suffering*, in *Southern Journal of Philosophy*, Washington: University Press, 34, 317-338. Mayerfeld in this discourse stated that classical utilitarians believe that we are morally required to seek the greatest possible surplus of happiness over suffering. They are thus committed to the view that happiness and suffering are morally symmetrical – that an increase in positive happiness and a reduction of suffering, when equal in magnitude, are equal in moral value. Utilitarianism instructs us to seek the greatest happiness by which is meant the greatest possible surplus of pleasure over pain i.e. the pain being conceived as balanced against an equal amount of pleasure.

²⁷⁵ Ibid.

more weight to suffering that the child is experiencing combined with the frustrations of the mothers or care-givers involved, one would likely consider the elimination of suffering of the child with disabilities.²⁷⁶ The mind of a person on a psychological level,²⁷⁷ mothers or care-givers would move from aspect of taking care of the child with disabilities to the point of considering how they can reduce pain and suffering of the child with disabilities. Theoretically, there is an obligation to promote happiness of the child with disabilities but practically there is an element of suffering for both, the mothers or care-givers and the child with disabilities.²⁷⁸ Given the weight of the degree of suffering, mothers or care-givers would sometimes opt to abandon, dump or sometimes even consider child homicide²⁷⁹ as means of getting rid of suffering. The driving force in this context is the magnitude of suffering of both mothers or care-givers and the child with disabilities.

Further to this knowledge, McCormick's model of moral decision-making includes the justification of certain exceptions to 'common moral norms'²⁸⁰, taking into account certain particular concrete instances.²⁸¹ For instance, when we are overwhelmed with issues that cause moral dilemmas,²⁸² some would take the above line of thought to justify the act of killing a child with disabilities.²⁸³ Broadly speaking, the dignity inherent in a person and in this case, the dignity of a child with disabilities may depend on various factors namely, the way people perceive quality of life of the child, the immediate socio-economic context in

²⁷⁶ Ibid. In this view as cited in the article, putting an end to the life of the child with disabilities would be considered as the greatest good about classical utilitarianism.

²⁷⁷ Rehnfeldt, A. and Eriksson, K., (2004), *The Progression of Suffering implies Alleviated Suffering*, in *Scandinavian Journal of Caring Sciences, Health and Social Care*, Volume 18, Issue 3, 264-272.

²⁷⁸ Mayerfeld, J., (1996), *The Moral Asymmetry of Happiness and Suffering*, in *Southern Journal of Philosophy*, Washington: University Press, 34, 317-338.

²⁷⁹ Yarwood, D.J., (2004), *Child Homicide: Review of Statistics and Studies*, Dewar: Dewar Research Unit, 15. Yarwood defines Child Homicide as an act of killing one's own child by biological parents.

²⁸⁰ Veatch, R.M., (2003), *Is there a Common Morality?* In *Kennedy Institute of Ethics Journal*, Volume 13, Number 3, September, 189-192. Common Morality is recent ethical theory in Bioethics. The core idea of common morality is that all humans at least all morally serious humans have a pretheoretical awareness of certain moral norms. Intuitively human beings know that there is something wrong or right with certain things.

²⁸¹ McCormick, R., (2002), *Practical Decision Making in Health Care Ethics: Cases, Concepts and the Virtue of Prudence*, Georgetown: Georgetown University Press, Fourth Edition, 91.

²⁸² In the context of having a child with disabilities, depending on the level and degree of the state of being disabled; such a situation may give rise to a situation whereby someone does not know to determine a good act and a bad act and yet there is nothing that we can do to undo the situation. In this case, too while we are discerning the best action to take that is in the best interest of the child with disabilities, there is also a consideration on the aspect of the mother who is also enduring the burden of living with the child with disabilities especially in the moment when the father has run away leaving a woman alone. This is the point of moral dilemma, a crucial point of breaking down.

²⁸³ Stopler, L., (2007), *Hidden Shame: Violence Against Children with Disabilities in East Africa*, Nairobi: Terre des Hommes Nederland, 12-22.

which the child is born and the nature of the illness that is associated with personal identity as a child.²⁸⁴

The perception on the ‘quality of life of a child with disabilities’²⁸⁵ assessed from the loss of functionality may totally diminish the understanding of human dignity inherent in a child hence it can be a determining factor and reason to abandon, dump and sometimes even instant death is induced on the child.²⁸⁶

The immediate socio-economic context of poor people living in informal rural settlements may also facilitate the execution of an act that may not be to the best interest of the child with disabilities taking into account the child’s material and social needs.²⁸⁷ The child may be rejected by society in view of the fear of pain and suffering of the child and the parents.²⁸⁸ With regard to the socio-cultural factor discussed above, the nature of the child’s physical, mental and emotional situation can be overwhelming and be a determining factor to abandon, dump and even induce instant death on the child.

2.2.1. LEVEL OF PHYSICAL, MENTAL, AND COGNITIVE FUNCTIONS IN THE CHILD WITH DISABILITIES

The level of physical, mental, and cognitive functions in a child with disabilities raises an ethical question on the permissibility of withdrawing life serving support devices. This is because the burden of medical care/treatment and severity level of disabilities in a child outweighs the benefits foresaw.²⁸⁹ From the medical point of view, medical professionals would allow the child with disabilities to die rather than live considering the above situation.²⁹⁰ Such a reality would be more challenging if we look at it from rural settings

²⁸⁴ Rodriguez-Prat, A., Monforte-Royo, C., Porta-Sales, J., Escribano, X., and Balaguer, A., (Eds), (2016), *Patient Perspectives of Dignity, Autonomy, and Control at the End of Life: Systematic Review and Meta-Ethnography*, in *PLOS ONE Review Journal*, DOI:10.1371, March 24, Research Article, 2/18.

²⁸⁵ Renwick, R., (2004), *Research Summary of the Children’s Quality of Life Project*, in <http://www.sites.utoronto.ca/qol/projects/summaryReport-children>. Quality of Life for Children with Long-Term Disabilities, Instrument Development and Validation, Posted on March 15 – December 31, 12:30 GMT, 7. On the positive note, one parent stated this: ‘I think all children need, they need stability, they need love, they need nurturing, they need unconditional love and they need the care. They need someone that’s there that provides for them. All children need it. In fact, that’s what makes them grow.’ So, while others have negative views regarding the severity of the children’s disabilities, there are some who see something positive in them all. They come to recognize that no matter the physical or mental condition of the child, the child is always in need of parental care. Therefore, per this scholarship, we come to realize that “Quality of life of the child ought not to be a condition of the child’s worth and living.

²⁸⁶ Ibid.

²⁸⁷ Every Disabled Child Matters, (EDCM), (2007), *Disabled Children and Child Poverty: Briefing Paper Campaign to End Child Poverty for Families with disabled Children*, London: Council for Disabled Children, Special Educational Consortium, August, 6-10.

²⁸⁸ Ibid.

²⁸⁹ Wilkinson, D.J., (2011), *A Life Worth Giving? The Threshold for Permissible Withdrawal of Life Support from Disabled Newborn Infants*, In *the American Journal of Bioethics*, New York: GMC, 11(2), 20-32.

²⁹⁰ Ibid.

where even medical facilities are limited and lacking. In the context of a rural family, such a complication of a child with severe disabilities would be one of the capital reasons why people would abandon, dump and kill children born with physical and mental disabilities. In terms of considering the severity of the physical, mental, and cognitive component of a child with disabilities, the child's life may be put under the category of a life not worthy living as Wilkinson had put it.²⁹¹ When the child has reached this threshold, life-serving support system could be withdrawn to let the child die. This judgement is based upon the predicted future well-being of the child with disabilities. In ancient times, the utilitarian school of philosophy, particularly in the first century A.D., advocated the practice of killing unwanted babies and it became a common practice.²⁹² The contemporary situation is crucial, considering the various scenarios of child abuse. Children with disabilities are being abandoned, dumped, and killed without any reference to medical profession who could take care of the situation. The common practice in the rural areas is that people tend to resort to take their own decisions with limited consultation. For instance, if the child with disabilities is deemed as unwanted, infanticide becomes a strong option for many mothers.²⁹³ Worse still, if the it is a child with physical and mental disability, infanticide becomes almost obligatory for those who can hardly stand their situation and that of the child.²⁹⁴ The national scenario regarding child abandonment and child homicide is linked to various factors. The media portrayal of child abandonment in South Africa is related to teenage pregnancy, abortive sentiments due to unplanned pregnancies and certain issues of physical and mental condition of the child.²⁹⁵ At medical level, the criterion used is the level of physical, sensory, emotional and cognitive functions of the child.²⁹⁶ At a global level, child abandonment has been a reality, associated with mass urbanization and some social related issues e.g. family support systems, devastating impact of poverty.²⁹⁷ The Fact Sheet on child abandonment research reported an increase in the number of children being abandoned though it does not

²⁹¹ Ibid.

²⁹² Jones, D.A., (2012), *Perils of Pure Logic* in the "Tablet" *Rights of the Unborn*, Oxford: Anscombe Bioethics Centre, 17th March, 4.

²⁹³ South Africa Research Council, (2016), *Baby Killing in South Africa – Uncovering the Unthinkable*, in *Africa's Medical Media Digest*, Cape Town: Medical Brief, 4-5. The research findings reported that the killing of children is the extreme part of a continuum of violence against children in South Africa, says the study, adding that it is a serious social and public health problem and suggests failure of state services. Intervening is critical at all levels.

²⁹⁴ Ibid.

²⁹⁵ Ibid.

²⁹⁶ Rodriguez-Prat, A., Monforte-Royo, C., Porta-Sales, J., Escribano, X., Balaguer, A., (Eds), (2016), *Patient Perspective of Dignity, Autonomy, and Control at the End of Life: Systematic Review and Meta-Ethnography*, in *PLSO ONE Journal*, March 24, 5/18.

²⁹⁷ National Adoption Coalition, (2014), *Fact Sheet on Child Abandonment Research in South Africa*, Pretoria: SA's Adoption Assistance Centre, May 20 Issue.

give specific details on what constitutes the abandoned child.²⁹⁸ Recent media records indicated that a combination of various factors namely: poverty, gender inequalities and social suffering contributed to child abandonment.²⁹⁹

2.2.2. A CASE STUDY OF CHILD HOMICIDE DUE TO THE DEGREE OF PHYSICAL AND MENTAL CHALLENGE OF THE CHILD WITH DISABILITIES

From the above discussion on the level of physical, mental, and cognitive functions of a child with disabilities, the outcomes indicated that the severity of the physical or mental disabilities of the child may have a strong bearing on the life of the child i.e. whether the parents would opt to keep the child or discard it. There exists a thrilling story of a child who developed a persistent vegetative state, due to the aspiration of a balloon that caused brain damage. The child exhibited a severe level of cognitive disability that rendered it to assume a vegetative state. The story is one of the few cases that have shown how many families have approached and responded to such severe disabilities of their children.

“On August 2, 1988, five- month- old Samuel Linares aspirated a small balloon at a birthday party. By the time paramedics could remove the balloon from his windpipe Samuel was comatose due to brain damage caused by oxygen deprivation. He remained respirator-dependent in what was diagnosed as a “persistent vegetative state”. After his parents were informed that he would never regain consciousness or breathe on his own, they asked that the respirator be removed and Samuel be allowed to die. However, a lawyer for the hospital (which had no ethics consultant or institutional ethics committee) feared that the removal of Samuel’s life-support might be construed as child-abuse or neglect under the Federal Child Abuse Amendment of 1984. So, the hospital refused to comply with the Linares’s request unless they hired a lawyer and obtained a court order authorising removal of the respirator – a process that would probably have cost them tens of thousands of Dollars. On December 23, 1988, Samuel’s father, a \$300 a week labourer who already owed \$200,000 for Samuel’s care, attempted to disconnect his son’s ventilator. He was wrestled to the floor by the hospital guards. Later, on April 26, 1989, Mr Linares unplugged the ventilator again but this time he held the Neonatal ICU staff at bay with a large pistol. Samuel died in his father’s arms ten minutes after his respirator was disconnected. Mr Linares then surrendered the baby and the gun saying: “I did it because I love my son and my wife.”³⁰⁰

²⁹⁸ Ibid.

²⁹⁹ South Africa Research Council, (2016), *Baby Killing in South Africa – Uncovering the Unthinkable*, in *Africa’s Medical Media Digest*, Cape Town: Medical Brief, 4-5. The research findings reported that the killing of children is the extreme part of a continuum of violence against children in South Africa and at international level.

³⁰⁰ Jonas, H., (1970), *Philosophical Reflections on Experimenting with Human Subjects*, in P. Freund (Ed), *Experimentation with Human Subjects*, New York: George Braziller Inc, 1-31.

The story above states two main things that are crucial, the persistent vegetative state of Samuel due to an accident and his father's response, saying 'I did it because I love my son and my wife'.³⁰¹ The state of the son posed a serious challenge to the family and the father had to wrestle for the death of their son. Yet this case is different from those who are born exhibiting severe physical and mental disabilities. The main question is the criteria for assessing the justification of the father's act of forcefully removing the ventilator, which caused instant death of their son, and in this same case discerning the best interest of the infant. Obviously, there might have been several factors that led the parents to give up medication for their son. One of the probable grave reasons could be that the family could hardly cope with the degree of the state in which their son was, namely being in a state of persistent vegetation. The response of the father: "I did it because I love my son and my wife," reflected the father's discernment of the best act of love for his son and his wife. He could hardly imagine continuing living with such a reality. This is one of the examples that reflects what confronts many families who sometimes give birth to a child with severe physical and mental disabilities. The reality of having a child with physical and mental disabilities is not an easy one to comprehend. The degree of the state of being challenged weighed heavily on the families and parents. In the process of deciding on the best option, most parents choose infanticide, abandonment or dumping of the child, because they do not have the capacity to live with a child with disabilities of that nature. Such a situation would drain one's efforts and the will to give primary extra-ordinary care to the child.

Further to the above line of thought, we do not have a claim on death rather death has a claim on us.³⁰² The right to life cannot be paralleled with the right to death because the right to life is based on the fact that life is a gift from God hence we do not possess it as a piece of property.³⁰³ Human life cannot be taken away by another or the person himself or herself taking the above line of thought.³⁰⁴ On the other note, we have an obligation that requires us to make an effort to alleviate suffering. Pro-euthanasia campaign movements maintain that the obligation or duty to alleviate suffering includes taking away some life that is not worthy living and the life of a person who is experiencing perpetual unbearable pain and suffering.³⁰⁵

³⁰¹ Ibid.

³⁰² Pavone, F., (2016), *Reflections on Euthanasia and Assisted Suicide*, New York: Priests for Life, in <http://www.priestsforlife.org/euthanasia/euthanasiaqanda.htm>, Posted on December 4, 2016 12:30 GMT.

³⁰³ Ibid.

³⁰⁴ Ibid.

³⁰⁵ Haan, J.D., (2002), *The Ethics of Euthanasia: Advocates' Perspectives*, in *Bioethics* <http://www.library.wiley.force.com/interface/pdf>, Bioethics ISSN 0269-9702, Volume 16, Number 2, In this article, the author says that the justification of euthanasia rests solely on the principle of respect for autonomy and further said that euthanasia is ethical if and partly because since the patient is suffering unbearably and

The dilemma is in the context of the child with physical and mental disabilities who may or may not be able even to communicate. How could someone determine the best interest of the child in that state? A person's inability to function does not necessarily make them (i.e. children with disabilities) and their lives less valuable.³⁰⁶ Regarding the right time to forgo life, the scholarship opts to consider all the necessary ordinary means of care for the patient to be exhausted.³⁰⁷ Extra-ordinary measures could also be employed as means of alleviating pain and suffering if they are not a burden to procure and administer.³⁰⁸

One of the real problems in the rural areas is about reporting.³⁰⁹ There are limited forums where parents with a child who has physical and mental disabilities could resort to when faced with such challenges.³¹⁰ As a result, some parents may sometimes abandon, dump or kill the baby, without seeking external assistance from the relevant authorities who are responsible for dealing with cases of that nature.³¹¹ Most of the children with disabilities who were abandoned and dumped by their parents and then found by other people are brought to hospices for the chronic patients where they are nursed.³¹² Almost all the children admitted to in the various parts of the country experience multiple complications, ranging from severe physical disabilities to serious mental retardation that causes mental disabilities.³¹³ The medical institution always tries to trace the families, but to no avail –

hopelessly, euthanasia is in his interest. The author states in this article that there is no easy argument for such views or against.

³⁰⁶ *Catechism of the Catholic Church*, (2013), *You Shall Love Your Neighbour as Yourself*, Commentary on the Fifth Commandment, Chapter two, Article 2277. The article states that whatever its motives and means, direct euthanasia consists in putting an end to the lives of handicapped, sick or dying persons. It is morally unacceptable.

³⁰⁷ *Ibid.* Article 2278.

³⁰⁸ *Ibid.* Article 2279.

³⁰⁹ Vofson, R., (2015), *Media Coverage of Abandoned Babies for 16 Days, Without a Trace: The Shocking Fate of South Africa's Abandoned Children*, Johannesburg: Johannesburg Child Advocacy Forum, JCAF, November 24, 4-5. The research indicated a concern over the unreported cases that have passed without trace. Even in the known cases of child abandonment or killing, some people who know the whole story fail to report fearing the legal proceedings associated with it. Some are simply left in dilemma not even knowing where to report since there are limited structure that deal with such issues in the rural areas.

³¹⁰ *Ibid.*

³¹¹ South African Government, (2007), *KwaZulu-Natal on Men's Forum Launch Held at Mzinto on 9th November*. KwaZulu-Natal Men's Forum Launch was held at Mzinto with an aim of creating communities which not only detest violence against women, children, and men, but actively ensure that it does not occur at all in families, communities, and the entire country. The idea was to voice their displeasure and revulsion at the continued violence against the vulnerable in their communities. Unfortunately, even to-date, the Province shows high levels of violence against children particularly children with disabilities.

³¹² Vorfson, R., (2015), *Media Coverage of Abandoned Babies for 16 Days, Without a Trace: The Shocking Fate of South Africa's Abandoned Children*, Johannesburg: Child Advocacy Forum, November 24, 4-5.

³¹³ Department of Basic Education, (2015), *Study on Children with Disabilities from Birth to Four Years*, Pretoria: UNICEF South Africa, 20-31. The executive summary stated that even though there is lack of current research data, some diagnoses of the available literature presents the definition, diagnostic criteria, and available prevalence data for the most common intellectual, physical, communication, sensory, psychosocial, and neurodevelopmental disabilities that present in the South African context. In addition, specific learning difficulties and multiple disabilities are discussed. Foetal alcohol syndrome, Epilepsy, spina Bifida, Spinal Tuberculosis, common Congenital deformities, burns, visual and hearing impairment, mental health, autism

there was almost no success to date.³¹⁴ The situation in the country is critical, in the sense that infants who are born with physical and mental disabilities are dumped in inhuman conditions.³¹⁵ Society in general seems to invest very little in the process of administering justice to the perpetrators of child abuse of this nature.³¹⁶ Health institutions which take care of the abandoned and abused children with disabilities have the obligation to report such cases of child abuse to the related institutions for legal procedures to be carried out.³¹⁷ The research work will limit itself to the question of the morality of the acts of abandoning, dumping and killing of children with disabilities in this region.

2.2.3. LIFE EXPECTANCY AND PROGNOSIS OF CHILDREN WITH DISABILITIES IN THE PROVINCE OF KWAZULU-NATAL, SOUTH AFRICA

In consideration to the average life expectancy for children with mental and physical disabilities remain a crucial issue due the limited statistical data in the rural areas.³¹⁸ Within the context of the lack of such a disability desk, there can be no absolute certainty on life expectancy and prognosis i.e. how long the child can survive, given all the necessary medical requirements ascribed to him or her. In principle, life- sustaining interventions in the region are options to be considered in this regard. The dilemma concerns the medical conditions of the children with disabilities who might be needing it. Most infants born with physical and mental disabilities may be in a situation of having multiple complications that render their medical status to be considered terminally ill.³¹⁹ In special circumstances they may require special treatment, without which there is no chance for survival.³²⁰ Their situation might be regarded as a medically critical situation, characterized by persistent and unbearable

spectrum disorder, dyslexia, dyscalculia, dyspraxia, dysgraphia, global developmental delay, cerebral palsy, hydrocephalus, and down syndrome are presented.

³¹⁴ Ibid.

³¹⁵ Ibid.

³¹⁶ Vofson, R., (2015), *Media Coverage of Abandoned Babies for 16 Days, Without a Trace: The Shocking Fate of South Africa's Abandoned Children*, Johannesburg: Johannesburg Child Advocacy Forum, JCAF, November 24, 4-5.

³¹⁷ KwaZulu-Natal Department of Community Safety and Liaison, (2010), *Rural Safety in KwaZulu-Natal*, Pietermaritzburg: KZN Department of Community Safety and Liaison, 11-18.

³¹⁸ Child Welfare Durban and District, (2016), *The Present Situation of the Disabled child in South Africa*, Durban: Children's Rights Centre, Paragraph 3.6.4. In this paragraph the report states that while there are very few statistics on Disability available, a Study Conducted by Irlam (1996) on Childhood Disability in Kwazulu-Natal reported a crude prevalence rate of 3.4%. While there is some planning for provision for disabled persons under Primary Health Care, there is no integrated Provincial Government Policy on disabled children and yet no Provincial disability desk has been set up per Integrated National Disability Strategy.

³¹⁹ Mossong, J., Byass, P. and Herbst, K., (2014), *Who Died of What in Rural KwaZulu-Natal, South Africa: A Cause of Death Analysis Using InterVA-4*, In *Global Health Action Journal*, Durban: COACTION Publishers, Volume 7, 10-15.

³²⁰ Ibid.

emotional, physical and mental disabilities which might be draining taking into account the fact that they have to live with such disabilities for life.³²¹

The determination of someone's life expectancy is also crucial. Certainly, there is minimal hope for a better long life and to practically determine it, is rather difficult on the part of the medical profession.³²² Children with disabilities who are in that state may require special palliative medical care to prolong their life. Societal attitudes may compound heavily on the physicians, parents and mothers who are confronted with the reality of how they can best address the situation, make moral choices that best suit their interests and the best interests of the child.³²³ This can be regarded as one of the most difficult situations in their life. The parents' desires might conflict with the moral parental obligation, considering the various factors that come into the whole process of decision-making. Many scholars on this debate regarding the mother's negative feelings about physical and mental disabilities are streaming from a wide range of factors.³²⁴ One of the scholars in Tubbs, stated that the mother's concern is that they would be incapable of giving the infant the care and affection the child would require and expect from the mother.³²⁵ When confronted with such a reality, some thinkers in the medical field have used the theory called 'State of Necessity'.³²⁶ This concept is invoked by someone who finds himself or herself in a situation of conflict of duties, in

³²¹ Ibid.

³²² This is because there are limited medical facilities in the area making such a prognosis difficult for medical professionals as well as parents or care-givers. This is in the context of cases that have been referred to medical professionals but in cases where parents have no access to medical facilities, there are obviously limited chances for the child with disabilities to survive. This could be the point where some parents resort to child homicide or abandoning the child or dumping the child in places where the child may not survive if not discovered.

³²³ Department of Social Development, (2009), *The Right to Belong and Participate: Integrated National Strategy on Support Services to Children with Disabilities*, Pretoria: Inter-Departmental Working Group, 16. In this document, there is the acknowledgement of societal attitudes whereby children with disabilities remain mostly marginalised and practically vulnerable due negative attitudes that constitutes rejection, exclusion, and violence against children with disabilities. Therefore, choices that are made in this regard may not necessarily be serving the best interest of the child. This is what is crucial to this discussion.

³²⁴ Chandramuki, Shastry, I.V.K., and Vranda, M.N., (2012), *Attitudes of Parents Towards Children with Specific Learning Disabilities*, in <http://www.dcidj.org/doi10.5463/DCID.v23i1.47> Volume 23, No.1. 63-64. Posted on November 30, 12:45 GMT. In this article, the authors stated that children are a perfect extension and expression of the couple's love. The emotional preparation for expectant parents is usually shaped by glamorous image of the baby. The discrepancy between the perfect baby of their phantasy and the real child born with physical and mental disabilities may be the cause for negative attitudes and parental stress. This reaction of parents towards the child with disabilities may range from denial of the child, sense of guilt, blame, frustration, anger, and despair may sweep through parent's emotional reaction. The emotional preparation for a perfect child is totally wounded hence the negative reaction towards the baby.

³²⁵ James B. Tubbs Jr., (1996), *Christian Theology and Medical Ethics*, Detroit: Kluwer Academic Publishers, 152.

³²⁶ Kelly, S.E., (2002), *Bioethics and Rural Health: Theorizing Place, Space and Subject*, in a *Journal of Social Science and Medicine*, New York: Science Direct Publishers, Volume 56, Issue 11, May 30, 2277-2288. The field of bioethics has been criticised for its universalizing tendencies, attributed in a large part to its foundations in moral philosophy and the level of abstractions of much bioethical discourse. Efforts to particularize bioethics have included the turn towards casuistry i.e. the emergence of feminists and disability rights critiques of mainstream bioethics and ethnographic contributions that examine the situatedness of ethical acts, practices, and meanings in local contexts.

which he or she prefers a value that, from an objective point of view, is more important, even though this means doing something that is forbidden.³²⁷ In this case, his or her conduct might be legally justified in the context of the duty to protect someone's life and the obligation to relieve pain and suffering of the child through the mercy killing of the child.³²⁸ An ethical response to such a situation would be to safeguard human life of the child with disabilities at all cost, while at the same time finding other means of dealing with the best options available that could be in the best interest of the child in question.

From a medical viewpoint, the process of prognosis may reach its final stage, which may simply be to put the child on terminal medical care until natural death occurs.³²⁹ Physical and mental disabilities may not necessarily require the admission of medical treatment rather in some cases they may need ordinary social services through the provision of certain medical facilities that befit their situation which cannot be provided for if the child is in the home of his or her parents.³³⁰ Otherwise there is no other option to make the child get healed of his or her disabilities because in some cases, physical and mental disability is not a disease rather it is just a condition that a person is born with.³³¹ In the case of the hopelessness and loss of meaning in putting the child on further medical options, some physicians, guided by the child's parents, may opt to make use of the State of Necessity theory by simply putting the child to death through what is known as "assisted suicide"³³². This act is the result of the expectation that the child has no chance of survival.³³³ The child with disabilities who constitutes other medical complications may be subjected to continuous pain and suffering, which would be traumatic to the rest of the family and it would lead parents to the difficult

³²⁷ Ibid. In this context, having weighed various aspects in relation to the keeping of the child with disabilities, someone may know that serving and caring of the life of the child is essential and important but considering the weightiness of caring for the child in the contexts of a rural setting where medical and social facilities are non-existent, mothers or care-givers may resort to this theory of state of necessity meaning to say that someone finds it necessary to forgo the life of a child with disabilities than to keep the child and shoulder the consequences single-handedly.

³²⁸ Williams, G., (1957), *The Sanctity of Life and the Criminal Law*, New York: Knopf Publishers, 322.

³²⁹ Department of Social Development, (2009), *The Right to Belong and Participate: Integrated National Strategy on Support Services to Children with Disabilities*, Pretoria: Inter-Departmental Working Group, 16.

³³⁰ Ibid.

³³¹ Ibid.

³³² Medical Brief, (2016), *SCA Hearing on the Right to Die Starts*, in *on-line Journal*, <http://www.medicalbrief.co.za/archives/sca-hearing-right-die-starts>, Johannesburg: Africa's Medical Media Digest, Supreme Court of Appeal hearing arguments in the government and Health Professions Council of SA Appeal against High Ruling Granting a Terminal Ill Patient the Right to Die. In this court hearing, one of the defence lawyers for pro-life activism raised concerns stating that legalizing euthanasia would put many vulnerable people at risk. She says it may be abused by people who are legal guardians of elderly, disabled or seriously ill patients and who may take it upon themselves to decide what kind of life is a life worth living. People living with disabilities are vulnerable because other people (may) look at their lives and think (they have) a poor quality of life and decide for assisted suicide for them. This is in view of the incidents that take place in some other quarters that have raised concerns.

³³³ Ibid.

judgement if that is the occasion or not to terminate the life of the child³³⁴. The situation of certain families who have been confronted with the birth of a child with disabilities might be like what has been described above. Certain families who experience similar situation may opt to abandon, dump or kill their children with disabilities having sentiments that the quality of life of their child with disabilities is not worthy living. Within the context of our local cultures, some people may have similar attitudes towards children with disabilities and unknowingly adopt the theory of state of necessity as discussed above. For instance, secretive cultural practices conducted by traditional midwives may constitute infanticide.³³⁵ Unfortunately there are limited existing legal or traditional documentation to back up the reality facing children in society especially children who are born with mental and physical disabilities in the region.³³⁶

2.3. SOCIO-CULTURAL BELIEFS AND TENDENCIES THAT ENTICE COUPLES TO ABANDON, DUMP AND KILL CHILDREN WITH DISABILITIES

2.3.1. HUMAN AGGRESSION

Human aggression is a worldwide phenomenon which, in recent years, has been considered as a human tragedy.³³⁷ Human psychology defines human aggression as any sort of behaviour directed towards another individual that is carried out with the proximate intent to cause harm.³³⁸ It is therefore an act that is intended towards another with the intention of causing harm. This is the type of behaviour that manifests itself in the perpetrators of child abuse and takes various forms. Infanticide and dumping of unwanted children in inhuman conditions are some of the forms of human aggression acts that are prevalent in our society today.³³⁹ Such modes of human aggressive acts like child homicide, neonaticide, infanticide,

³³⁴ *Catechism of the Catholic Church*, Article 2278, On this topic, I would agree with the document of the church in which it is stated that even in that situation life is sacred. Thus, an act or omission which, of itself or by intention, causes death to eliminate suffering constitutes a murder gravely contrary to the dignity of the human person and to the respect due to the living God his or her creator. The error of judgement into which one can fail in good faith does not change the nature of this murderous act which always be forbidden and excluded.

³³⁵ Badassy, P., (2011), *A Severed Umbilicus: Infanticide and the Concealment of Birth in Natal*, Pietermaritzburg: Department of Historical Studies, 37-70. This was a thesis submitted in fulfilment of the requirement for the degree of Doctor of Philosophy in History, in the Department of Historical Studies, Faculty of Humanities, University of KwaZulu-Natal.

³³⁶ Ibid.

³³⁷ Craig, A.A. and Bushman, B.J., (Eds), (2002), *Human Aggression*, in *Annual Review Psychology*, Iowa: Iowa State University Press, 3011-3180.

³³⁸ Ibid.

³³⁹ Malope, N.F., (2014), *Motives for Child Homicide by Mothers Incarcerated in Four Correctional Centres in South Africa*, Limpopo: School of Social Sciences, 9-13. This was a dissertation submitted in fulfilment of the requirement for the degree of Masters of Arts in Psychology in the Faculty of Humanities at the University of Limpopo.

filicide, put at risk the lives of many innocent children, especially those children with disability.³⁴⁰ Adverse instances, such as post-natal depression, frustration, rape and many other related circumstances may give rise to human aggression.³⁴¹ Fatal child neglect involving women who live alone, isolated and relatively poor tend to commit child homicide due to the fact that mothers in this kind of situation may sometimes be lacking appropriate support structures and most often, they are also struggling with single parenthood.³⁴² There is a sector of people in the country, particularly those living in rural, informal settlements, constitute a large group of people who are frustrated in life, due to the various social factors that have prevented them from achieving their intended goals in life. For instance, poor governmental services, in terms of employment opportunities and the political promises of RDP houses, are some of the issues that frustrate poor people and worse still mothers with children with disabilities.³⁴³ To this effect, several people in these locations slowly develop aggression, which manifests itself in their responses to certain human life realities and challenges. Human aggression could be described in terms of people's relationships manifested towards others as a means of venting anger and frustration due to certain failures in people's aspirations or goals.³⁴⁴ It could be termed as a human disorder that takes the form of pride, which has no space for other people.³⁴⁵ It comes in the form of anger which, when it reaches rage, destroys the tranquillity that is essential for the sound use of human reasoning.³⁴⁶ Finally, human aggression creates an atmosphere of spiritual sloth – a serious renouncement of the spiritual dimension of human existence.³⁴⁷ From the above discussion, it is common knowledge that society in general is experiencing a great deal of human aggression towards the most vulnerable people in society. The number of cases of homicide, infanticide and dumping of vulnerable children shows that there is an increase in the number

³⁴⁰ Ibid. Malope in her dissertation defines child homicide as general filicide which is the killing of any aged child by their mothers, she defines Neonaticide as infant homicide which occur within 24 hours of delivery, infanticide is defined as killing of a child who is one day old up to one year of age and she defined Filicide as killing of an older child. Regarding our discourse, all these are forms of human aggression that are often used to get rid of children with disabilities.

³⁴¹ Ibid.

³⁴² Ibid. 10-15.

³⁴³ Cross, C., (2008), *Housing Delivery as Anti-Poverty: Is South Africa on the Rights Track? Paper Presentation in The Southern African Housing Foundation, International Conference and Exhibition, 12-15 October*, Cape Town: South Africa, Developing Communities, Human Sciences Research Council, 3-4.

³⁴⁴ Baron, R.A., and Richardson, D.R., (1997), *Human Aggression*, New York: Plenum Press, Second Edition, 1-11. In this book, Human Aggression is defined as a form of behaviour directed towards the goal of harming or injuring another living being who is motivated to avoid such treatment. It involves negative emotions, attitudes. Aggression occurs in cold blood as well as in the heat of intense emotional arousal. In this case of our discussion, the child with disabilities arouses these intense emotions that may result in someone's negative emotions that would ignite anger directed towards causing injury on the child with disabilities.

³⁴⁵ Ibid.

³⁴⁶ Ibid.

³⁴⁷ Häring, B., (1963), *The Law of Christ: Moral Theology for Priests and Laity*, Cork: The Mercier Press, Vol. one, 376-382.

of innocent people who have fallen victims to human aggression. For instance, ‘The Times News Paper’ reported that in society, particularly in South Africa, there has emerged a trend of being desensitised to the horrible deaths of innocent children who are being dumped in inhuman conditions, where they are left to die on their own.³⁴⁸ The situation of human aggression indicates an increased rate of child abuse and violence towards vulnerable children in many homesteads. The situation in the provinces seems to reflect a negative human perception regarding children with disabilities, considering the media reports cited above. There seems to be a widespread exposure to human aggression which has yielded a situation whereby the dumping of children with disabilities seem to lose its critical sense. For instance, the perpetrators seem to have no sense of remorse.³⁴⁹ No-one seems to account for such horrible acts, as the perpetrators are not brought to justice³⁵⁰.

2.3.2 WITCHCRAFT BELIEFS

The discourse will consider the phenomenon that is rife among indigenous communities regarding the issue of ‘muti killings’ related to people with disabilities.³⁵¹ Witchcraft belief is a distinct cultural belief that is prevalent in some cultures in Africa as well as in South Africa.³⁵² In the current political and cultural dispensation, the ACT suggests the following things that are prohibited in the proposed law namely: witchcraft accusation, witchcraft findings, crimes associated with harmful witchcraft and muti killings.³⁵³ On muti killings, the Act states;

³⁴⁸ Mbanjwa, K., (2012), *No Need to Dump New-Borns*, in “The Times”, Wednesday, May 30, 14.

³⁴⁹ Holland, S., (2015), *Unmasking Serial Murder: A Comparison of a South African Murder Series with Characteristics from the Federal Bureau of Investigation Serial Murder Database*, Johannesburg: Johannesburg Forensic Medicine and Pathology, 3-10. This was a Research Report submitted to the Faculty of Health Sciences, University of the Witwatersrand Johannesburg in Partial fulfilment of the Requirements for the Degree Master of Medicine in Forensic Pathology and Medicine. In this report, there is a note which indicates a serial killer having no remorse to what he has been doing i.e. killing innocent lives saying: ‘We serial killers are your sons, we are your husbands, we are everywhere... and there will be more of your children dead tomorrow.’ The circumstances are quite different: Serial killers cannot be automatically equated with parents who abandon their children, but we would like to emphasize, by showing this evident example, how violence desensitize people and that they progressively lose the sense of remorse.

³⁵⁰ Ibid.

³⁵¹ South African Law Reform Commission, (2016), *Discussing Paper 139, The Review of the Witchcraft Suppression ACT 3 of 1957, Project 135*, Pretoria: Law Reform Commission, 37-38. ‘Muti’ is a traditional type of medicine used in traditional health practices per Traditional Health Practitioner’s Act 4.39. Traditional Health Practice includes the utilization of traditional medicine or traditional practice which has its objective as the maintenance or restoration or prevention of a physical or mental illness or the diagnosis, treatment, or prevention of a physical or mental illness and the rehabilitation of a person to enable that person to resume normal functioning within the family or community. Contrary to the stipulations given in this Act, we have what is called ‘muti killings’ which is used to kill people with disabilities as they are regarded as inhibiting evil omens that would sometimes give harm to other people hence killing the children with disabilities could be regarded as a means of healing society.

³⁵² Ibid.

³⁵³ Ibid.

“The people significantly affected by these killings are young children who deserve protection in our constitutional democracy. Section 28 of the Constitution instructs us about the importance of protecting the rights of children in our society. The commission further regards killings committed to remove body parts to make muti as a serious societal concern. The then Ministry of Women, Children People with Disabilities requested that muti killings be looked at and legislative amendments effected in the current regulation of such crimes.”³⁵⁴

Despite the substantial progress in the recent times considering advocacy on human rights, there are still sporadic cases whereby ‘muti killings’ involving children with disabilities are still prevalent. The culture of the people in the region is rich in beliefs and rituals that are performed on a person from birth to death.³⁵⁵ These are rites of passage which involve traditional rituals and medicines aimed at protecting the human person.³⁵⁶ It is common practice that traditional medicine aims at enhancing the personal well-being, besides other personal evil intentions enshrined in those who enrage the society with bad omens.³⁵⁷ Medicine is used to ward off evil spirits and bring good luck in the context of the evil forces that are inflicted on other people by witchcraft practices, aimed at destroying human life.³⁵⁸ In this sphere, the discourse will take into account children who are born with physical and mental disabilities in relation to witchcraft and evil spirits. Zulu culture understands that any event occurs for a reason and that bad events are the doing of witches who have to be exposed and suffer for their acts, for the good of the clan.³⁵⁹ To this effect, “*sangomas*” are there to ascertain the cause of bad events in the clan or family.³⁶⁰ In the case of a child who is born with physical and mental disabilities, such a situation in the family would be termed as one of the bad events. The Zulu people would therefore perform the common practice of consulting the diviner, known as the “*sangoma*”, in the location to find the remedy.³⁶¹ In the Zulu culture, the word “*ukuthakatha*” means witchcraft that brings harm on the family or

³⁵⁴ Ibid. This was in view of the media reports indicating the practice of killing children with disabilities for muti making resulting in brutal acts of murder in the name of witchcraft.

³⁵⁵ Zibani, A.N., (2002), *Zulu Cultural Traditions: A Draw Card for Tourism in KwaZulu-Natal, with Special Reference to the Lebombo Spartial Development Initiative*, Zululand: University of Zululand, 47-90. This was a dissertation submitted in fulfilment of the requirements for the Degree of Doctor of Philosophy.

³⁵⁶ Ibid.

³⁵⁷ Ibid.

³⁵⁸ Ibid.

³⁵⁹ Department of Anthropology and Indigenous Law, (1985), *Anthropology: Study Guide 1 for ANT100-C*, Pretoria, Published by University of South Africa, 38-48.

³⁶⁰ Krige, E.J., (1980), *The Social System of the Zulus*, p. 299-335. The witch or sorcerer (umthakathi) who is supposed to use supernatural powers for evil purposes is the enemy of the people. The umthakathi works in secret and concocts his or her most powerful medicines from certain parts of human victims. He uses certain parts of animals and other beings as familiars. If smelt out, by an isanusi, he (umthakathi) was mercilessly killed in the past. Sangomas today deal with the umthakathi to bring peace or violence in the society.

³⁶¹ Ibid.

somebody.³⁶² Comis reported that there is a rise in witchcraft and Satanism in the province of KwaZulu-Natal.³⁶³ Such developments have a big impact on society at large. The upsurge in witchcraft and Satanism in Durban, Pietermaritzburg, and Richards Bay, as reported by Comis, highlights tragic human right abuses rising in the area due to witchcraft accusations.³⁶⁴

There is a strong cultural belief in the province especially in the rural settings, that children who are born with physical and mental disabilities are either the manifestation of witchcraft itself or they are the victims of witchcraft practices.³⁶⁵ For instance, when a child is born with unique bodily features, parents secretly consult traditional healers, diviners, herbalists, witchdoctors or other related traditional mediums to seek a remedy for the misfortune in the family.³⁶⁶ The general perceptions of traditional agents who are experts in witch-hunting associate any misfortune in life with witchcraft or satanic practices.³⁶⁷ In the case of a child born with physical and mental disabilities, the general perception of many people in the area would attribute such abnormalities to malicious witchcraft, as noted above.³⁶⁸ The understanding is that society is not ready to accept and welcome a child who manifests witchcraft omens to come into the family, as it would impact negatively on the other children and even on those who are not yet born.³⁶⁹ There is the practice of witch-hunting in society, which is practised by many witchcraft doctors, diviners, etc., to root out witchcraft.³⁷⁰

In general, traditional healers perform their traditional healing practices differently in KwaZulu-Natal.³⁷¹ Each has his or her own way of practicing traditional medicine depending on the type of expertise she or he has acquired or trained.³⁷² The diagnosis process does not only seek immediate causes rather they look for the efficient cause i.e. why it has happened now to this person.³⁷³ For instance, a baby is born with physical or mental disabilities,

³⁶² Ibid.

³⁶³ Comis, L., (2012), *Rise in Witchcraft and Satanism in KZN* in IOL News, *South Africa Pagan Rights Alliance: Advocacy Against Witch-Hunt*, September 15,

³⁶⁴ Ibid.

³⁶⁵ Ibid. <http://www.mrc.ac.za/witchcraft/hunt>. Posted on 22nd August, 2012. 13:30.

³⁶⁶ Makhanya, S.M., (2016), *Traditional Healers' and Caregiver's on the Role of Traditional Zulu Medicine on Psychosis*. Master's Thesis, Faculty of Arts, University of Zululand, in <http://hdl.handle.net/10530/1273>. Posted and Accessed on 8th December, 2016, 16:13 GMT.

³⁶⁷ Comis, L., (2012), *Rise in Witchcraft and Satanism in KZN* in IOL News, *South Africa Pagan Rights Alliance: Advocacy Against Witch-Hunt*, September 15, 4-10.

³⁶⁸ Ibid.

³⁶⁹ Bryant, A.T., (1970), *Zulu Medicine and Medicine-Men*, Cape Town: Gothic Publishers, 13.

³⁷⁰ Ibid.

³⁷¹ Truter, I., (2007), *African Traditional Healers: Cultural and Religious Beliefs Intertwined in a Holistic Way*, in *SA Pharmaceutical Journal*, Johannesburg: September Issue, Drug Utilization Research Unit, Nelson Mandela Metropolitan University, 57-60.

³⁷² Ibid.

³⁷³ Ibid.

traditional diagnosis will be concerned with why this child and why at this point in time is the child affected by this disability.³⁷⁴ The solution to the physical or mental condition of the child will involve divination i.e. sacrifice or blood-letting and cupping.³⁷⁵ It is in view of the above discussion that there are cases of child killing due to disabilities that may have been perceived culturally as cleansing hence go unreported.³⁷⁶ We have no knowledge of the efforts made to find out there whereabouts of the child when it is culturally restricted. Sometimes children with disabilities who die in that way may be accorded private burial and reported as miscarriage. It is challenging for this research to make a break through into some private cultural practices that take place with children with disabilities though through some limited knowledge into the insights of the relevant scholarship, we can draw certain perspectives. Ritual practices of that nature are perpetrated by individuals and groups of people who strongly believe that misfortunes of that kind are enabled through the agency of a witch since witch-hunting remains a common practice in traditional settings, when families suffer misfortune of any sort.³⁷⁷ Witch-hunting is a practice that is normally done in private and due to the rise in the number of victims, mostly women and children, there are legal procedures that have been put in place to protect the rights of the victims.³⁷⁸

The people's cultural school of thought i.e. among the natives who stay in the informal settlements in the region, recognizes the role of the family in the bringing up of children.³⁷⁹ Effective parents and families are an important positive force in the well-being of the child, particularly children with disabilities. Parents ought to provide basic primary care to their children, especially those that need special care. It is within their authority as parents to provide emotional and psychological support to their children with disabilities. They are brokers for the needed support and services of their children. Cultural practices in the form of rituals and birth rites need to be practised with due respect to the fundamental rights of children. Studies in cultural anthropology indicate the fact that the Zulus, who constitute

³⁷⁴ Ibid.

³⁷⁵ Hewson, M., (1998), *Traditional Healers in Southern Africa*, in *Annals of Internal Medicine Journal*, Cape Town: Issue 12, Number 128, 1029-1034. Divination per Hewson is one of the common surgical procedures that involves the invocation of the ancestral spirits in the process of performing the ritual to heal the sick person. It is through the same ritual processes that the act of ritual killings has also taken space since there is perception that the bad spell has come in form of the child with disabilities. The disability itself may be a physical sign of the inherent bad omen in the child. In this case, killing the child may be regarded as cleansing the family of the bad omen in the family.

³⁷⁶ Ibid.

³⁷⁷ Ibid.

³⁷⁸ South African Law Reform Commission, (2016), *Discussing Paper 139, The Review of the Witchcraft Suppression ACT 3 of 1957, Project 135*, Pretoria: Law Reform Commission, 37-38.

³⁷⁹ Hodgson, T.F. and Khumalo, S., (2016), *Too Many Children Left Behind: Exclusion in the South African Inclusive Education System with Focus on the Umkhanyakude District, KwaZulu-Natal, SECTION 27 Report*, Catalysts for Social Justice, 18-21.

most the inhabitants in the province of KwaZulu-Natal, believe that all bad things come from evil spirits.³⁸⁰ When they practise the birth-rites in the process of following their rites of passages, they do acknowledge that any misfortune in the family is related to evil spirits.³⁸¹

Isihlambezo is a cultural ritual or rite offered to expectant mothers.³⁸² Besides being beneficial to the local population, who can hardly access medical services in the government or private sector, this practice is a potentially fatal practice that uses crude tools to do away with unwanted babies. Birth complications like physical and mental disabilities may result in infanticide.³⁸³ Certain cultural inclinations such as the perception that the child's disabilities are associated with witchcraft practices may pose a risk to a child in the event of performing some rituals that would put the life of a child in danger. If traditional beliefs ascertain the fact that the child is not human, but a monster that is possessed by evil spirits, the child is likely to be abandoned, dumped and, worst still, even be declared to be the miscarriage of a dead monster. The local culture of the native people in the region demands that only elderly women, known as "*makhosikazi*", are entitled to be present during the birthing of a child.³⁸⁴ Men are not allowed to take part directly in the birthing of a child as it is an event reserved for women.³⁸⁵ This may as well be conducive moment to conceal the truth about the condition of the child. In the event of the birth of a child with physical and mental disabilities, traditional midwives, who sometimes act even without any training or medical recognition, may sometimes make a resolution based on their cultural beliefs in witchcraft as reason for getting rid of the child before it can be seen by the public.

In ordinary circumstances, death through miscarriage is only attended by women and men are notified about it.³⁸⁶ The public expresses condolences without taking part in the burial, as it is reserved for women.³⁸⁷ It is within this context that birth rites and certain cultural beliefs compound heavily on children who are born with physical and mental disabilities.

³⁸⁰ Comis, L., (2012), *Rise in Witchcraft and Satanism in KZN* in *IOL News, South Africa Pagan Rights Alliance: Advocacy Against Witch-Hunt*, September 15, 2-10.

³⁸¹ Wainright, J. Schonland, M.M. and Candy, H.A., (1977), *Toxicity of Callilepis Laureala*, in "*The South Africa Medical Journal*", Vol. 52, 313-315.

³⁸² *Ibid.*

³⁸³ *Ibid.* Truter, I., (2007), *African Traditional Healers: Cultural and Religious Beliefs Intertwined in a Holistic Way*, in *SA Pharmaceutical Journal*, Johannesburg: September Issue, Drug Utilization Research Unit, Nelson Mandela Metropolitan University, 57-60.

³⁸⁴ *Ibid.*

³⁸⁵ *Ibid.*

³⁸⁶ Klapwijk, M., (1989), *Pot and Pit Burials from the North-Eastern Transvaal, South Africa*, *The South African Archaeological Bulletin* 44 (150): 65-69. In this article, it is stated that midwives were responsible to take care of the remains of a child that was miscarriage and the clan was informed about it. The burial rite was reserved to elderly women alone. Today, in the rural settings in a typical Zulu tradition, the same practice is observed.

³⁸⁷ *Ibid.*

Children who are born within traditional settings are more vulnerable. Traditional and cultural beliefs in this regard have remained silent, making it impossible to establish the events that could have led to the miscarriage or the act of dumping the child. In the context of the modern advancements in technology and medicine, such cultural beliefs and rituals could be classified as inhuman and brutal to the innocent but unfortunate children with disabilities.

2.3.3. PARENTAL AND SOCIAL PREJUDICE

Human beings today are living in a world that is highly influenced by cyberspace and technology. To some extent, we are informed and empowered by new trends of thought that have come due to the progress in the areas science and technology. Human right advocacy has taken a strong stand and has influenced our way of dealing with reality and relationships in society. For instance, we have come to appreciate the rights of children with disabilities which for quite some time were unknown.³⁸⁸ In view of the existing issues of human rights, people have achieved the freedom to act per their conscience, without being threatened by external forces. People have the liberty to think and do things as they please them, a direct link with issues of human rights. In case of parents who may be challenged with the birth of a child with disabilities, may be compelled to do all they can to the best interest of their own sometimes over-looking the rights of the child.³⁸⁹ This progression may lead to prejudice over the child due to the circumstances as they unveil.

Prejudice is defined as an adverse judgement or opinion formed beforehand, without knowledge or examination of the facts.³⁹⁰ It implies an act of holding unreasonable judgements or convictions that are detrimental to other people.³⁹¹ People make choices in

³⁸⁸ Department of Social Development/ Department of Women, Children, and People with Disabilities, (2012), *Children with Disabilities in South Africa: A Situation Analysis 2001-2011*, Pretoria: UNICEF/Rabeca Hearfield, 10. In chapter two of this book it is stated that South Africa does not yet have a standard/nationally accepted measuring tool in line with the ICF. Estimates of child disability prevalence generated from various sources are therefore not directly comparable because of different definitions of disability and methods of data collection. Measuring child disability is inherently much more difficult than measuring disability in adults. While adults have relatively stable characteristics, children go through a natural development processes as they grow, learning how to talk, walk, read, and write. Their evolving characteristics complicate the task of assessing functions and distinguishing significant limitations from variations in normal developmental processes hence side-lined in many ways.

³⁸⁹ Ibid. In this case, if there is so much emphasis on the claim on someone's personal rights, there may be an exaggeration to the extent of having no foresight into the inherent needs of other people. Personal claims on a negative note may hamper the realization of other people's rights as well especially in the context of choosing what would be of the best interest of a child with disabilities.

³⁹⁰ *The American Heritage Dictionary*, New York: Auto-Graphics Inc. Revised Edition, 5717. Prejudice in any form is destructive and costly to society. It lowers efficiency and increases overhead cost. It kills communication, innovation, motivation and increases barriers among people. In our case, children with disabilities might not have any chance of realizing their dreams.

³⁹¹ Ibid.

life. Some make the choice to have a child. With the current advancements in medical technology, people can consult specialists in genetic engineering to try to manipulate human genes or chromosomes to alter the traits of the child, to achieve the results of their choice.³⁹² There is too much influence of modern technology on people's choices and decisions due to the current environment that has exposed so much. Most parents would be frustrated to have a child completely contrary to their wishes and expectations.³⁹³ This is the moment when parental or social prejudice comes in. Due to social pressure and the *status quo* of the parents, society would deem the child unwanted as long as the child does not meet the parents' aspirations and expectations.³⁹⁴ Some people may use other external factors that would be a preconceived preferential idea, with the aim of causing injury or to incite unfavourable actions against the child.³⁹⁵ In this case, the child who is born with physical and mental disabilities could be deemed, as it has often happened, as unfavourable in respect of the high *status quo* of the parents.³⁹⁶ The current situation is that parents, and particularly single mothers, exercise their freedom sometimes in an irrational way.³⁹⁷ Expectant parents ought to be open to the outcome of their maternity and be able to deal with the condition of a child who may or may not have disabilities. Unfortunately, people's expectations are more than the child who is born and think that they can choose to have a child of their choice. This sort of mentality is against the understanding that children in a family are a gift from God.³⁹⁸ Today, parental, and social prejudice plays a major role when parents decide to have children. Most couples prefer children of their choice and preference. If the new-born child

³⁹² Gyngell, C., (2015), *Genetics: The Case of Genetically Engineered Babies*, in <http://www.theguardian.com/science/2015/may/01/fear-of-designer-babies-shouldnt-distract-us-from-the-goal-of-health-babies>, Posted on May 01, 2015, 13:18 GMT. Although this could be considered as too advanced technology for the rural setting of the people in the Province, it still illustrates a point i.e. to what extent can social prejudice drive people to do certain things. Many people today are exposed to such realities and they could easily become victims of technologies of this kind especially when child with disabilities frustrates them hence opting for a child of their choice.

³⁹³ Moses, K., (2004), *The Impact of Childhood Disability: The Parent's Struggle*, in <http://www.pent.ca.gov/beh/dis/parentstruggle-DK>. Posted on December 09, 2016, 06:01 GMT. Dr. Moses is a psychologist who focused much of his work on parents of impaired children and disabled adults. He continues assisting parents to sort out their lives after experiencing a struggle in dealing with disabilities of their children. He states that parent often associate their children with their future dreams and plans hence the birth of a child with disabilities becomes a big blow in their life.

³⁹⁴ Ibid. For the parents, child disabilities bluntly shatter parents and they struggle to accomplish basic life missions. To this effect, peer pressure and social dynamics may dictate the course of action which may be detrimental to the life of a child with disabilities.

³⁹⁵ Ibid.

³⁹⁶ Matthews, S., Martin, L., Scott, C., Coetzee, D. and Lake, L., (2015), *Every Child Counts: Lessons Learned from the South African Child Death Review Pilot, A Research Brief*, Cape Town: Children's Institute, University of Cape Town, 1-8.

³⁹⁷ Moses, K., (2004), *The Impact of Childhood Disability: The Parent's Struggle*, in <http://www.pent.ca.gov/beh/dis/parentstruggle-DK>. Posted on December 09, 2016, 06:01 GMT. In this case, acting in an irrational way implies the degree and extent of child abuses in the region due to negligence leading to fatal deaths of children with disabilities.

³⁹⁸ Hardon, J.A., (Ed), (1977), *The Catholic Catechism*, New York: Macmillan Publishing Co. Inc., 447-448.

has physical and mental disabilities, the chances for the child to be retained are dearly as some parents would opt to abandon and dump the child. People's social status sometimes brings them to the point of not accepting the reality of the child with disabilities. Social and parental prejudice in this regard is vital in influencing couples to retain or reject their own children with disabilities.

2.4. SOCIO-POLICAL TENDENCIES THAT INFLUENCE PEOPLE TO ABANDON AND DUMP CHILDREN WITH DISABILITIES

2.4.1. SOCIO-POLITICAL FACTORS

We have been discussing some socio-cultural factors related to children with disabilities, this part will further discuss socio-political factors that have also contributed to the human malaise of the children with disabilities. Socio-political factors in this regard imply the external factors and conditions that have had an impact on child disabilities. In this case, we will be discussing issues related to apartheid and how they impacted on children with disabilities, we will also discuss issues of infrastructures and the implementation of policies that directly affect children with disabilities in the region. Finally, we will also explore the Constitution of South Africa and how it stipulates on the management of issues related to child disabilities. South Africa as a nation has so far invested so much in the formulation of policies regarding how we can best take care of children with disabilities.³⁹⁹ Contrary to the ideals set up by the government and the provincial medical and health sectors, most families, particularly expectant mothers in rural areas or settings, have limited access to proper medical facilities.⁴⁰⁰ They resort to their own traditional ways which put the life of the child in danger. Traditional medicine and how it is administered is an issue of concern. There is no monitoring or controls on the effectiveness of traditional drugs on issues of physical and mental disabilities.⁴⁰¹ Lois Laws, one of the researchers in the Parliamentary Liaison Office in the Catholic Bishop's Conference, presented a case in which pregnant women consumed cow dung.⁴⁰² Further to this reality, it was reported that most young girls who are pregnant

³⁹⁹ Department of Social Development, (2016), *White Paper on the Rights of Persons with Disabilities: Official Publication and Gazetteing of the White Paper on the Rights of Persons with Disabilities*, No. 230, March 09, Government Notices. Quoting the Constitution, the gazette stated that everyone is equal before the law and has the right to equal protection and benefit of the law. This was the point of departure in the process of the promulgation of laws that inclusively takes care of children with disabilities.

⁴⁰⁰ Matthews, S., Martin, L., Scott, C., Coetzee, D. and Lake, L., (2015), *Every Child Counts: Lessons Learned from the South African Child Death Review Pilot, A Research Brief*, Cape Town: Children's Institute, University of Cape Town, 1-8.

⁴⁰¹ Ibid.

⁴⁰² Law, L., (2011), *Aspects of Pre-and Post – Natal Care*, in "The Briefing Paper 278", Pretoria: Southern African Catholic Bishop's Conference: Parliamentary Liaison Office, December, 1.

consume drugs such as alcohol and Indian hemp, dagga or marijuana.⁴⁰³ This act is contrary to what medical expertise advocates. Drugs of that nature are most likely to have a serious impact on the development and growth of the child in the womb.⁴⁰⁴ Children born within such an environment are prone to exhibit multiple physical and mental disabilities and other health complications.

2.4.2. INFLUENCE OF APARTHEID

Under apartheid, black people were taught that they were inferior and that they should receive education only enough for their opportunities and status in society.⁴⁰⁵ The system created an atmosphere of crisis which resulted in black people being ill-equipped for any career and lacking the capacity for general self-employment.⁴⁰⁶ People residing in the so called black communities during apartheid were alienated, corporal punishment was administered, in violation of human rights.⁴⁰⁷ This became the culture of the time and it created a violent environment for the livelihood of the black person. Violence manifested itself in various forms and became the order of the day.

The current situation in which children with disabilities are being abandoned and dumped can be traced to have evolved within the context of apartheid.⁴⁰⁸ The black community had to fight for survival in their opposition to apartheid and they resorted to violent ideologies like sabotage as a form of political resistance.⁴⁰⁹ The rural black communities were severely tested, with insurgent attacks on its members by agents of the state.⁴¹⁰ The current government has made efforts to reduce crime against some targeted minorities though the

⁴⁰³ Ibid.

⁴⁰⁴ Matthews, S., Martin, L., Scott, C., Coetzee, D. and Lake, L., (2015), *Every Child Counts: Lessons Learned from the South African Child Death Review Pilot, A Research Brief*, Cape Town: Children's Institute, University of Cape Town, 1-8.

⁴⁰⁵ Tsele, M.S., (1991), *Education for Democracy: A Case Study*, in Numberger, K., (Ed), *A Democratic Vision for South Africa, No. 3*, Pietermaritzburg: Encounter Publications, 462.

⁴⁰⁶ *White Paper on Integrated National Disability Strategy* in <http://www.independentliving.org/doc3/sa1997/wp>, It states that people with disabilities are excluded from the main stream of society and have trouble in accessing fundamental rights. Partly such a situation has been attributed to the apartheid sentiments and perceptions whereby people with disabilities were marginalised some sectors particularly among the black communities.

⁴⁰⁷ Ibid. 462-463.

⁴⁰⁸ Lansdown, G., (2002), *Disabled Children in South Africa: Progress in Implementing the Convention on the Rights of the Child*, Pretoria: Rights for Disabled Children, 5. The legacy of apartheid per this report states that there is a gulf of difference in children's experiences across the country. Its philosophy was to segregate and divide and since race determined social status, it also entrenched worlds of difference between those living in rural or urban communities, those with or without education (.....) and those with and without recognition of respect for their dignity and humanity. Black disabled children experienced exclusion and marginalised associated with their impairment. It would be unfortunate to distance this historical aspect of the experience of disabled children from the historical past of apartheid.

⁴⁰⁹ Ibid. 462.

⁴¹⁰ Ibid. 468.

current dynamics still indicate that crime against children with disabilities remain a serious problem.⁴¹¹ Most black people in the rural communities were forced to reside in the informal settlements while others experienced imprisonment and even assassination.⁴¹² From the outlook of things as discussed above, the apartheid regime was characterised by gross human rights violations.⁴¹³ People, especially in poor black communities, suffered from poverty and illiteracy making them incapable of taking care of their children especially those that needed extra care like children with physical and mental disabilities. Shooting of black leaders' country-wide, forced removals, banning of groups and movements, detentions, torture and stoning, brutal hatred, division, fear, and suspicion became the norms of the time.⁴¹⁴ The situation was not conducive for the poor people to seek medical care in the context where their rights were suppressed.

It was within this context that many families have raised their children with disabilities. The impact of apartheid in some sectors persists considering the different levels of people in the current democratic dispensation. The political situation has essentially changed, but people's mentality is still largely affected by the past. This is manifested in various news reports of the abandonment and dumping of innocent children with disabilities in various parts of the country.⁴¹⁵ The brutal act of abandoning and dumping children has so far raised ethical and moral concerns. The present project questions the morality of such inhuman acts. The apartheid regime created a situation of poverty that has imposed a negative impact on the

⁴¹¹ Gender, Disability, Children and Youth Programmes Unit of the Policy Coordination and Advisory Services in the Presidency, (2008), *Background Report on Targeted Sectors for the Fifteen Year Review*, Pretoria: Legislative Framework, 37.

⁴¹² Ibid.

⁴¹³ *President Jacob Zuma's Speech on the Commemoration of the 2016 Human Rights Day*, On March 21, 14:01:48.0 At Moses Mabhida Stadium, Durban said: 'On this solemn occasion, we acknowledge all South Africans who suffered gross human rights violations during the period of apartheid colonialism including murder, torture or imprisonment. He further said 'there is a cult of race superiority and of white supremacy is worshipped like a god. Few white people escape corruption and many of their children learn to believe that white men are unquestionably superior, efficient clever, industrious, and capable; that black men, are equally unquestionably inferior, slothful, stupid, evil and clumsy'. Within such perceptions and ideologies, children with disabilities especially among the black majority had limited chances to benefit from the state. They were experiencing gross violation of their rights by the state structures.

⁴¹⁴ Ibid. 471.

⁴¹⁵ South African Health Review, (2016), *Thousands of Children Being Dumped in South Africa*, Pretoria: Health Systems Trust, November 17, in <http://www.hst.org.za/news/information-authors-south-africa-health-review-2016>, Posted on December 09, 2016. The article reported that more than 40 children are being dumped in the Free State every month. The spokesperson for the Department of Social Development said that 477 children were reported abandoned in the past 12 months. KwaZulu-Natal is also reporting high figures especially the new born babies. The report does not exclusively indicate the number of children with disabilities as such but it includes them as constituting the children being dumped. The number of children with disabilities may or may not be the driving factor alone rather there are also various factors that influence people to dump their children. From the previous discussions, we recognized that there is a strong tendency to dump children with disabilities than other reasons associated to it.

poor majority. It has put people in a situation where they have become hopeless when faced with the birth of a child with physical and mental disabilities.

2.4.3. INFRASTRUCTURE DEVELOPMENT VERSUS RATIONING OF MEDICAL PROFESSIONALS IN HEALTH INSTITUTIONS

South Africa is rated as one of the most developed nations in the SADC region.⁴¹⁶ Despite this positive attribute, South Africa's statistics on child mortality are shocking. For instance, statistics reveal that 7500 babies who are born alive die on their first day meaning that 21 babies die every day or one baby dies every hour.⁴¹⁷ Although this is just a general view of the reality of child deaths, it points to something more specific that takes place in society. The events that lead to early child deaths in the region are diverse. Although most children die of disease complications that are diagnosed by the medical profession there are other cases of children's deaths with disabilities that are due to the negligence of parents in taking medical care of their children.⁴¹⁸ Other children's deaths are due to inadequate medical services available to serve the current large population.⁴¹⁹ These are some of the cases that the causes of children's deaths.

Studying the information on infrastructure development and rationing of medical professionals, some reports stated that the educational status of children with disabilities in the rural areas are hampered with widespread biases and exclusionary practices which more often affect possibilities for education facilities in the region.⁴²⁰ Children with severe disabilities often stay at home due to their physical condition hence placing additional burden on the family. Some children with disabilities do not access any services as they remain hidden by their close family relatives.⁴²¹ To date, services to children with disabilities remain

⁴¹⁶ SADC: This stands for *Southern African Development Community originally known as The Southern African Development Co-ordination Conference* (SADCC) which aims at addressing national priorities through regional action given to each member state.

⁴¹⁷ Mkhize, V., (2013), *Baby Death Shocker*, in "The Star", Wednesday, May 8, 1.

⁴¹⁸ Lansdown, G., (2002), *Disabled Children in South Africa: Progress in Implementing the Convention on the Rights of the Child*, Pretoria: Rights for Disabled Children, 5. The legacy of apartheid per this report states that there is a gulf of difference in children's experiences across the country. Its philosophy was to segregate and divide and since race determined social status, it also entrenched worlds of difference between those living in rural or urban communities, those with or without education (.....) and those with and without recognition of respect for their dignity and humanity. Black disabled children experienced exclusion and marginalised associated with their impairment. It would be unfortunate to distance this historical aspect of the experience of disabled children from the historical past of apartheid.

⁴¹⁹ Ibid.

⁴²⁰ The Department of Social Development, (2015), *White Paper on the Rights of Persons with Disabilities*, Pretoria: Approved by Cabinet on December 9, 45-50.

⁴²¹ McClain, C., Howell, C., Lagadien, F., Pretorius, L., Rantho, M. and Thompson, P., (1995), *Integrated National Disability Strategy, White Paper to the Office of the President*, Pretoria: Rustica Press, in this chapter, it is reported that it is commonly considered that the specific needs of people with severe mental/intellectual disabilities fall outside the ambit of development. Such people are likely to be regarded as ill and in need of

fragmented and unequal especially in the rural areas.⁴²² It seems that the infrastructures that could have assisted parents to identify children with disabilities right from birth is crucially deficient. To this note, if no proper assessment, planning, designing interventions and the implementation of proper support mechanism is done, then no system could be effective in such an environment. This has yielded the scarcity of the socio-medical and political infrastructures that could have best addressed the issue of child disabilities in the region. To this effect, limited services are provided on paper while on the ground, there are no proper physical structures from where children with disabilities could access some basic services. Communication barriers due to negative attitudes compromise so much on the realization of human rights for children with disabilities. Regarding human resource capacity i.e. rationing of socio-medical and political professionals in the field of children with disabilities, both government and non-government departments in South Africa have expressed that there is a serious lack of professionals, well trained for the task.⁴²³ Their distribution is uneven with the majority preferring to work in urban areas disregarding the rural areas hence putting the situation of children with disabilities at risk.⁴²⁴

One of the hardest hitting factors should do with infrastructure and rationing of medical professionals in rural areas. Sherry's report revealed that there is a gradual decline in the number of nurses in the country, especially nurses with specialist qualifications who could register for intensive care units, operating theatres, advanced midwifery and psychiatry.⁴²⁵ In general, the shortage of medical and health professionals has affected almost all the provinces in the country, but the provinces where the populations are extremely high are the most affected.⁴²⁶ Most provincial primary health institutions lack skilled and professional nurses and doctors to deal with the current human situation facing children with disabilities.⁴²⁷ Rural health institutions and centres⁴²⁷ are the most seriously affected in the

constant care. Unfortunately, they are not provided with opportunities to participate in society to the best of their ability.

⁴²² Ibid.

⁴²³ Ibid. 15.

⁴²⁴ Sherry, K., (2015), *Disability and Rehabilitation: Essential Considerations for Equitable, Accessible and Poverty-Reducing Health Care in South Africa*, in *South African Health Review 2014/15*, Durban: Health Systems Trust, 89-100.

⁴²⁵ Ibid. In her article, Sherry made a strong appeal saying that provision of healthcare as close as possible to where people live is an important step in making health care both more affordable and more accessible. Chronic care is particularly vulnerable to failure where access costs are unsustainable over time and these services should be prioritised for provision at community level.

⁴²⁶ Ibid.

⁴²⁷ Republic of South Africa, (2012), *The National Development Plan 2030: The Provision of Affordable Access to Quality Health Care while Promoting Health and Wellbeing*, in <http://www.gov.za/issues/national-development-plan-2030>. Cited on October 2, 2015.

Province of KwaZulu-Natal.⁴²⁸ The majority of nurses and doctors would certainly prefer to work in places where they can access basic human needs and resources of their own. They may also be needing better working conditions that ensure their human welfare. Rationing becomes one of the major and challenging realities when it comes to the allocation of health and medical professionals in the country. Some of the effects of poor rationing may be felt most by poor communities in rural areas.

Besides rationing, there is the problem of infrastructure in the country. Many provinces have tertiary health centres which are mainly in the big cities and are completely inaccessible for the poor majority.⁴²⁹ The country also has secondary health centres, where serious patients are referred for further treatment and admission.⁴³⁰ These institutions are normally very crowded and sometimes health professionals are overwhelmed by the number of patients in relation to the number of beds the hospital can provide at a particular moment.⁴³¹ Doctor-patient relationships and contacts are crucial taking into account the number of patients admitted into such facilities. Providing adequate health care services in such contexts is difficult and challenging to the medical profession. Finally, there are primary health care centres in most residential areas.⁴³² These are the clinics that are placed in proximity to the people, for easy access. The point is to make medical personnel accessible to everyone and make the essential primary care available to all. Unfortunately, most of these clinics face the challenge of lacking essential medical and health resources. Due to limited resources, they are usually not equipped fully to provide the necessary primary care needed in rural areas. One of the crucial areas that is seriously lacking in the province is proper hospices, where, children with disabilities could be kept for the reception of primary health care befitting their physical and mental condition.

2.5. IMPLEMENTATION OF HEALTH POLICIES ON CHILDREN WITH DISABILITIES IN KWAZULU-NATAL, SOUTH AFRICA

All provinces in the country follow the national health and medical policies, with minor specifications unique to the human living standards of the region.⁴³³ Each province has a

⁴²⁸ Ibid.

⁴²⁹ Cullinan, K., (2006), *Health Services in South Africa: A Basic Introduction*, Pretoria: Department of Health, Level 3.

⁴³⁰ Ibid. Level 2.

⁴³¹ Ibid.

⁴³² Ibid. Level 1.

⁴³³ McCalain, C., Howell, C., Lagadien, F., Pretorius, L., Rantho, M. and Thompson, P., (1997), *Integrated National Disability Strategy, White Paper: Office of the President*, Pretoria: Rustica Press for the Publication of the White Paper, Chapter 2. The Disability Rights Charter of South Africa reflects demands from disabled people. The aim is to promote equal opportunities for all disabled people. It is a document which asserts the

vision to achieve optimal health status for all persons in the region.⁴³⁴ Its mission is to develop and deliver a sustainable, well-co-ordinated, integrated and comprehensive health system at all levels, based on the primary health care approach through the district health system.⁴³⁵ The health sector in the province has core values, namely trust built on truth, integrity, reconciliation, open communication, transparency, consultation, commitment to performance and courage to learn, change and innovate.⁴³⁶

The ideals mentioned here are based on the constitutional and legislative mandates provided by the South African government.⁴³⁷ They are to be realised in the province and applied to all its citizens. In consideration of the constraints the medical and health sector in the province is facing at present, the ideals prescribed in the policy can hardly be achieved or realised. It is within such an environment that the human experience alarming considering the high mortality rate of children in general. It is within this context that the present project is heavily questioning the moral systems within the health and medical sector. When children with disabilities can hardly be given special treatment within the medical and health sector, as it is stated in some medical reports, such an assumption defeats what is given and laid down in the policy.⁴³⁸

Medical research indicated that pervasive developmental disorders among children in South Africa are unknown.⁴³⁹ In this treatise, pervasive developmental disorders among children constitute infants who are born with acute physical and mental disabilities.⁴⁴⁰ Children suffering from such immense challenges require an on-going medical, social, and economic support service befitting their health. As stated above, medical policy regarding the care

right of all disabled people to live independently in a safe environment and in a society free from all forms of discrimination, exploitation, and abuse.

⁴³⁴ *Kwazulu-Natal Annual Performance Plan*, (2009-2010), 13.

⁴³⁵ *Ibid.*

⁴³⁶ *Ibid.*

⁴³⁷ Umgungundlovu Disability Forum, (2010), *Shadow Report to the Committee on the Rights of Persons with Disabilities*, Durban: KwaZulu-Natal, 4. The Umgungundlovu Disability Forum would like to acknowledge the South African government's commitment to the human rights of all its citizens and we are grateful that South Africa was one of the first signatories to the Convention on the Rights of Persons with disabilities.

⁴³⁸ Rural Rehab South Africa, (2011), *Re-engineering Primary Health Care, Chapter 5: Principles of NHI in South Africa*, Durban: 16-37. The report states that access to appropriate care is a major theme within the NHI document. By the disabling environment that many face within rural areas of South Africa, access to even some primary care clinics can be both; a physical challenge as well as an unaffordable financial burden. Disabled people face considerable and specific challenges in accessing health services especially in rural areas due to physical barriers e.g. distance or terrain and attitudes towards disability block access to services. The situation for children with disabilities is more compelling because they must be taken care of by their parents first as primary care givers. Primary care givers have the responsibility to seek medical assistance wherever possible. Unfortunately, the factors cited above heavily compromises the efforts to be made by primary care-givers.

⁴³⁹ Springer, P.E., (2013), *Characteristics of Children with Pervasive Developmental Disorders Attending a Developmental Clinic in the Western Province, South Africa*, in John Pettifor, (Ed), *The South African Journal of Child Health (SAJCH)*, Cape Town: South African Medical Association, Health and Medical Publishing Group, Vol. 7, No. 3, 69.

⁴⁴⁰ *Ibid.*

given to children is already provided in all related institutions of health. One of the major concerns is the implementation process of the policies.⁴⁴¹ The quality of health care required is crucial. The failure to follow up on the implementation of policies has shown that it has more negative implications on the infants who really need support.⁴⁴² Such a failure opens avenues for unprofessionalism in the health sector which may be detrimental to people's lives and in this case children with disabilities may be at a big loss. The implementation of the policy must be followed up by those who make them to ensure that they are worked upon otherwise they simply remain as principles on paper with nothing taking shape on the ground. The task of policy makers is to track and manage progress in the implementation of such policies ensuring that the poorest families have access to quality care.⁴⁴³ There is need to promote community-based rehabilitation services especially in the most crucial areas where access to medical facilities are limited to ensure that life is saved at all cost.

2.5.1. COST-BENEFIT ANALYSIS

Most parts of the world are confronted with ethical questions concerning human life, especially when life itself becomes a burden to someone or to society at large.⁴⁴⁴ This is the reason some countries have capital punishment, as a means of eliminating human beings who are a menace to society. The case of children with severely disabilities is a different one.⁴⁴⁵ A person does not choose how he or she wants to be born, but nature takes its own course and babies are born. Having a physical or mental disability cannot in any way be regarded as being a menace to society⁴⁴⁶. Although this reality of living with children with

⁴⁴¹ Umgngundlovu Disability Forum, (2010), *Shadow Report to the Committee on the Rights of Persons with Disabilities*, Durban: KwaZulu-Natal, 4. The Province recognizes relevant Acts and Policies on Children with Disabilities article 7 which constitutes; the Bill of rights, Children's Act, and Child Amendment Act. It also recognizes the Convention on the rights of the Child and the African Charter on the Rights and welfare of the Child. Unfortunately, on the issue of implementation, the reports states that some children with disabilities do not have their rights respected in the same way as other children in the region. For instance, the report cited that there are cultural beliefs about disability that stigmatize disabled children. One of these beliefs is that a mother who has a child with Down Syndrome has been punished by the ancestors for being unfaithful to her husband. This results in the child and the mother being stigmatized and discriminated against. The report further states that there is limited provision of places of safety in KwaZulu-Natal for children with disabilities and therefore these children, who may need to be removed from their homes due to abuse, cannot be placed due to lack of accessibility at homes of safety and training of staff.

⁴⁴² Ibid.

⁴⁴³ Ibid. 69.

⁴⁴⁴ *The UN Convention on the Rights of Persons with Disabilities, Chapter 15*, 192. The Charter states that children are marginalised; however, some groups of children such as children with disabilities, girl children and children from ethnic minorities face even greater discrimination. Children with disabilities are uniquely at greater risk for discrimination since they have a disability; that they are children and therefore more vulnerable to marginalization, exploitation, and abuse.

⁴⁴⁵ Ibid.

⁴⁴⁶ UNICEF, (2007), *Promoting the Rights of Children with Disabilities, in Innocent Digest No. 13, For Every Child Health, Education, Equality, Protection, Advance Humanity*, Denmark: UNICEF Innocenti Research Centre, 7-13. Children with disabilities and their families constantly experience barriers to the enjoyment of

disabilities seems to be a crucial, the general perception regarding the situations of children with disabilities in the context of extreme poverty is challenging in the region.⁴⁴⁷ Considering the high cost of living, a human person cannot avoid making certain ethical considerations and decisions that may or may not be in the best interest of the child with disabilities. It is out of such inclinations towards negative insights into human life that some people may start looking at human life as valuable only in terms of productivity.⁴⁴⁸ According to the findings above, if someone is unproductive then his or her life is valueless.⁴⁴⁹ In the context of physical and mental disabilities that totally incapacitate the child from comprehending the reality within and without, with regard to the findings presented, that life is valueless and not worth living.⁴⁵⁰ Further to this analogy is the fact that whatever investment that can be put into the child, for instance, medication, some people will automatically relate the cost of medication to be improvised against the out-put of that cost, which would be the worthiness of that life, i.e. whether the family will benefit from it or not.⁴⁵¹

The cost benefit theory⁴⁵² in this regard is very important. It has the potential to influence decision- making that would result in the abandonment and dumping of a child with

their basic human rights and to their inclusion in society. Their abilities are overlooked, their capacities are underestimated and their needs are given low priority. The objective of the current Conventional statements was to highlight the issue of human dignity, equality among all peoples including children with disabilities.

⁴⁴⁷ Ibid.

⁴⁴⁸ Banks, L.M. and Polack, S., (2011), *The Economic Costs of Exclusion and Gains of Inclusion of People with Disabilities: Evidence from Low and Middle-Income Countries*, London: London School of Hygiene and Tropical Medicine, 23. This section of the article explored the economic consequences of the exclusion and inclusion of people with disabilities. With the landmark passing of the United Nations' Convention on the Rights of Persons with Disabilities, ratifying countries pledged to promote the full inclusion of people with disabilities in all areas of society. However, nations have struggled to make significant progress in implementing the commitments set forth by the Convention. Consequently, people with disabilities are still experiencing persistent inequalities on almost all indicators of social, political, cultural, and economic participation compared to the rest of the population. There is a strong theoretical basis relating poverty and disability showing that poverty is an overarching indicator of exclusion of children with disabilities. This is since investing in them would mean no productivity hence making a big loss that results in children with disabilities being side-lined.

⁴⁴⁹ Ibid.

⁴⁵⁰ The article further showed that evidence of exclusion and barriers to inclusion of people with disabilities include namely: in the areas of health, education, and other relevant services. This is since society put more emphasis on productivity on anything that money is invested. Investing money on a child with disability would be regarded as a loss due short life of a child and maybe considering also what the child can potentially manage to do seen as productivity or outcome. If people can hardly see any productivity in the child, this may lead to discard the child by any means.

⁴⁵¹ Ibid.

⁴⁵² Hanly, N., Spash, C.L. and Elgar, E., (2003), *Cost-Benefit Analysis and the Environment*, Cornwall: MPG Books Ltd, 9-11. In this book, cost-benefit theory is defined as location/relocation of resources being proposed and the population of gainers and losers to be considered. No resources could be allocated where there is no anticipation of gain. i.e. what is appraised must be known otherwise if there is full knowledge then it is risky to make any investment. This discourse uses this definition to apply to the situation of children with physical and mental disabilities. The understanding is that many people consider the above theory in dealing with socio-economic issues of children with disabilities. If they come to realize that there is evidence of productivity for investing in the child with disabilities, then in the context of extreme poverty that many people are living, then

disabilities.⁴⁵³ This is a reality even today for most families who are confronted with the birth of the child who has severe physical and mental disabilities. Some families in the rural settings are too poor to engage medical treatment befitting the situation of this child.⁴⁵⁴ They are consequently left in traumatic situations that cause a dilemma.⁴⁵⁵ They simply do not know what to do with the child who has physical and mental disabilities. This is the situation per this discourse that might be the driving force behind the acts of getting rid of the child with disabilities. The present project poses a moral question concerning people's perception towards children who are born with physical and mental disabilities. The sanctity of life⁴⁵⁶ is highly compromised in this regard. Failure to acknowledge the sanctity of life ethic is tantamount to creating a society where human life will be exposed to such inhuman experiences as the abandoning or dumping of children with disabilities in the region.⁴⁵⁷ Councillor Collin Brewers made terrible remarks on BBC radio, saying:

“Disabled children cost too much and should be put down. To this effect, the man has remained defiant and he has refused to stand down, saying: It is not something I would consider resigning over. I believe I am doing a good job.”⁴⁵⁸

This is the mentality that some people in the region might be nursing. They cause a tremendous damage to human life and human development. Such retrogressive ideologies will not sustain and achieve the millennium goals prescribed in the policy.

it would be risky and big loss to invest in the child with disabilities. This is based on the issue of stereotype sentiments but rather socio-economic condition they are living.

⁴⁵³ Ibid.

⁴⁵⁴ SAHRC and UNICEF, (2014), *Poverty Traps and Social Exclusion among Children in South Africa*, Pretoria: SAHRC, 156. The research presented in chapter 2 indicated that South Africa has made considerable progress in reducing the extent of poverty and social exclusion and their effects on children. However, analysis of the most recent data shows that much still needs to be done to counter the debilitating deprivation experienced by many South African Children particularly children with disabilities.

⁴⁵⁵ Ibid.

⁴⁵⁶ Harigovind, P.C., (2013), *Sanctity of Human Life: Glimpses of Ethical and Jurisprudential Aspects*, in *International Journal of Humanities and Social Sciences Invention*, ISSN (Online):2319-7722, ISSN (Print): 2319-7714, in <http://www.ijhssi.org>, Volume2, Issue 4, April 1, 1-5. Posted on 12 December, 2016, 10:07 GMT. The idea of Sanctity of Life given by different religious ethics makes it only as a tool to attain social equality. The divinity in human life is reasoned as the rule for protecting life. The doctrine of Sanctity of Life has been observed by legal philosophers in many ways and those discussions will give us a picture about the practical application of the rule in society. We will therefore use the concept or the theory i.e. Sanctity of Life Ethic as means of achieving full human development, realization of human rights of children with disabilities and the practical use of it in the Province of KwaZulu-Natal.

⁴⁵⁷ Ibid.

⁴⁵⁸ Daily Mail Reporter, (2013), *Disabled Children Cost Too Much....*, February 28, 09:42 GMT.

2.5.2. MEDICAL FACTORS THAT INFLUENCE THE DETERMINATION OF MEDICAL PROFESSIONALS TO ASSIST THE CHILD WITH DISABILITIES TO DIE

In this section, the project considers various practical implications that directly exert pressure on the human person when making life-threatening decisions. One of these crucial realities is the element of pre-natal diagnosis⁴⁵⁹. Considering ways and means of dealing with human life, especially in the face of physical and mental disabilities, the project intends to examine the role of prenatal diagnosis in dealing with issues related to children with disabilities in professional medical ethics. Lack of moral principles and ethical human values may drastically affect the most vulnerable people in society. In this regard, the lives of children with disabilities may be at risk.

2.5.2.1. PRENATAL DIAGNOSIS OF THE CHILD

Prenatal diagnosis is sometimes referred to as prenatal screening.⁴⁶⁰ It refers to the various medical tests for diseases or conditions in the embryo or foetus before it is born.⁴⁶¹ Such medical tests aim to detect birth defects, abnormalities and other conditions of the child.⁴⁶² Prenatal screening is used to diagnose high risk pregnancies to avoid delivery complications that would result in the death of the child or of the mother, or cause undesirable body features in the child.⁴⁶³ It is therefore a modern technology that is meant to smoothen the process of child- birth and facilitate the process of normal child growth in the womb.⁴⁶⁴ It deals with any possible risks involved in the process of the development of the child until birth and where possible, it may as well lead to the termination of the life of the child with disabilities. Contrary to the above positive notion of prenatal diagnosis, the contemporary situation uses prenatal diagnosis to determine the sex of the parents' choosing. This is what is called "sex

⁴⁵⁹ Gillam, L., (1999), *Pre-Natal Diagnosis and Discrimination against the Disabled*, in *Journal of Medical Ethics*, Melbourne: The Murdoch Institute, Royal Children's Hospital, 163. Prenatal Diagnosis is a scientific device or mechanism that is used to detect genetic and other abnormalities in the foetus.

⁴⁶⁰ McCormick, R.A., (1981), *Notes on Moral Theology: 1965 through 1980*, Washington DC: University Press of America, 278.

⁴⁶¹ Ibid.

⁴⁶² Gillam, L., (1999), *Prenatal Diagnosis and Discrimination against the disabled*, in *Journal of Medical Ethics*, Melbourne: The Murdoch Institute, Royal Children's Hospital, Issue 25, 163-171.

⁴⁶³ Ibid. Prenatal diagnosis or prenatal screening is sometimes used to detect genetic or other abnormalities whereby in the specific case of a woman with a child who inhibits such physical and mental disabilities, may appeal to personal right to choose what action to take i.e. whether to terminate or keep the child. It is from this point of departure that this technology is used per this article cited here that it is used to eradicate as many disabilities as possible. To this effect, it does discriminate against people with disabilities. Further to this affirmation, the above statement does not imply that prenatal diagnosis/screening is used only for bad purposes rather it has opened avenues whereby children detected to exhibit some form of disabilities are at risk of being terminated.

⁴⁶⁴ Ibid.

selection”.⁴⁶⁵ There are ethical considerations, however, pre-natal selection provides potential parents the opportunity to select and implant only healthy, non-genetically diseased embryos into the mother.⁴⁶⁶ This opens the door for the “designer baby syndrome,” which leads to the discarding of many living embryos through the process of in-vitro fertilization.⁴⁶⁷ According to *Donum Vitae*, the status of the embryo i.e. from the moment the zygote has been formed, demands unconditional respect that is morally due to the human being in its bodily and spiritual totality.⁴⁶⁸ Catholic doctrine further states that the embryo must be treated as a person and be defended in its integrity and cared for in the same way as any other human being.⁴⁶⁹ Therefore in as much as Human Genetic Screening involves discarding of embryos, it stands to be challenged ethically. The technology itself ought to safe-guard the life and integrity of the embryo and the mother without subjecting them to disproportionate risks.⁴⁷⁰ In this regard, Church doctrine considers Human Genetic Screening as permissible in as much as it is used for therapeutic reasons and to the best interest of the child and the mother alike.⁴⁷¹ The rise of the designer babies and parental selection has become a major sophisticated technology that is being advocated when it comes to the reproductive rights of women and some couples, particularly in the current computer age.⁴⁷² Parents have called for the ethical principle of non-interference when the subject of human reproduction is discussed.⁴⁷³ Most human rights activists have affirmed the rights of the woman or the couples to determine their own preferences when it comes to human reproduction.⁴⁷⁴

⁴⁶⁵Song, R., (2002), *Human Genetics in Ethics and Theology: Fabricating the Future*, London: Darton Longman Todd, 2. Pre-natal selection comes with another theory called “*Designer Babies*” a technique of selecting traits for one’s child coming from a technology called “*Preimplantation Genetic Diagnosis (PGD)*” a technique used on embryos acquired during In-Vitro Fertilization to screen for genetic diseases.

⁴⁶⁶ Ibid.

⁴⁶⁷ Steinbock, B., (2002), *Disability, Prenatal Testing, and Selective Abortion*. In Parens, E., Asch A. (Eds), *Prenatal Testing and Disability Rights*. Washington DC: Georgetown University Press, 108-123. Scientists have found ways to genetically alter human gametes to be able to lower a child’s risk of developing disabilities. Further to that fact, there is a tendency for parents to dictate gender and other physical or mental qualities of the child to be hence placing professionals to design a baby per the liking of the parents. Though this could be considered as so high and sophisticated technology in the context of rural settings, it is unbelievable to note that there are so many industries that take advantage of the poor people to try to make use of these facilities for their own good.

⁴⁶⁸ Congregation for the Doctrine of the Faith, (1987), *Donum Vitae*, 22nd February, Article Number: 2245.

⁴⁶⁹ Ibid.

⁴⁷⁰ Gillam, L., (1999), *Prenatal Diagnosis and Discrimination against the disabled*, in *Journal of Medical Ethics*, Melbourne: The Murdoch Institute, Royal Children’s Hospital, Issue 25, 163-171.

⁴⁷¹ Harigovind, P.C., (2013), *Sanctity of Human Life: Glimpses of Ethical and Jurisprudential Aspects*, in *International Journal of Humanities and Social Sciences Invention*, ISSN (Online):2319-7722, ISSN (Print): 2319-7714, in <http://www.ijhssi.org>, Volume2, Issue 4, April 1, 1-5. Posted on 12 December, 2016, 10:07 GMT.

⁴⁷² Gillam, L., (1999), *Prenatal Diagnosis and Discrimination against the disabled*, in *Journal of Medical Ethics*, Melbourne: The Murdoch Institute, Royal Children’s Hospital, Issue 25, 163-171.

⁴⁷³ SAHRC and UNICEF, (2014), *Poverty Traps and Social Exclusion among Children in South Africa*, Pretoria: SAHRC, 156.

⁴⁷⁴ Ibid.

To crown the above discussion, we observe that some parents in this context may have the feeling that they have the right to choose the kind of a baby they like most. The baby designer also may then assume the duty to work on the human traits by improvising different screening tests as a way of meeting the demand from parents. Even parents who are coming from a poor background may also be part of the beneficiaries of such recent medical technologies. One of the main purposes of prenatal diagnosis is to allow the mother or parents to have the chance of abortion, in the case of detected complications in the foetus.⁴⁷⁵ Another reason for screening is to prepare the mother or the parents psychologically, socially, financially, and medically for the child who is to come.⁴⁷⁶ The normal welcoming of the child would also be one of the main reasons in this case, i.e. how they would plan the life of their child. The technology therefore is a modern tool or device that has the full potential to alter the characters of children and at the same time it has the full potential of eliminating the child whom the society would deem as non-human or someone who could be denied full personhood in ordinary life.⁴⁷⁷

It is within the face of such current technological realities that all unwanted babies stand the risk of being excluded from society by any means available. In this regard, prenatal diagnosis has raised severe ethical issues, particularly when it simply involves parents' preferences that would put the child with disabilities at risk of losing its life. In the current age of human rights, children who are born with physical and mental disabilities would most likely frustrate the parents' choice of having a child of their preference. One of the ethical issues raised is the risk of safe guarding the lives of viable embryos.⁴⁷⁸ The process of pre-natal selection involves the destruction of unwanted embryos and fetuses.⁴⁷⁹ Embryos and fetuses have the same moral status as live- born babies and are entitled to basic human rights.⁴⁸⁰ Pre-natal selection creates an environment in which children are not regarded as gifts from God but simply a product of their parents' options in life.⁴⁸¹ It is within this type of contexts that children with disabilities are regarded as unwanted whether by their mothers

⁴⁷⁵ Gillam, L., (1999), *Prenatal Diagnosis and Discrimination against the disabled*, in *Journal of Medical Ethics*, Melbourne: The Murdoch Institute, Royal Children's Hospital, Issue 25, 163-171.

⁴⁷⁶ Ibid.

⁴⁷⁷ Ibid.

⁴⁷⁸ Pope John Paul II, (1995), *Evangelium Vitae*, Papal Encyclical letter on the Gospel of Life, Article No., The first chapter of this papal document begins by denunciation of the proliferation and increased intensity of threats to life especially when life is weak and defenceless. He calls this scenario as the proliferation of the culture of death which threatens our civilization due to a perverse idea of freedom which is disconnected from any reference to truth and objective good.

⁴⁷⁹ Steinbock B. (2002), *Disability, Prenatal Testing, and Selective Abortion*. In Parens E., Asch A., (Eds). *Prenatal Testing and Disability Rights*. Washington DC: Georgetown University Press, 108-123.

⁴⁸⁰ Ibid.

⁴⁸¹ Gillam, L., (1999), *Prenatal Diagnosis and Discrimination against the disabled*, in *Journal of Medical Ethics*, Melbourne: The Murdoch Institute, Royal Children's Hospital, Issue 25, 163-171.

or siblings hence find themselves thrown into inhuman conditions where survival is highly limited. In the real-life situations facing most families, couples, and mothers, these are some of the ethical decisions that they battle with and sometime choose to endure. The question could be: what are parents or mother to do when faced with the reality of the birth of a child who has severe physical and mental disabilities especially in the context of the lack or limited resources available? In response to such challenging realities of life, the point of departure ought to take into consideration the fact that human life is sacred at all levels and the birth of a child with disabilities has an inherent right to life.⁴⁸²

2.5.2.2 QUALITY OF LIFE OF THE CHILD WITH DISABILITIES

Progress in the field of genetic engineering has left human beings caught up within two spheres, namely, the fact that advanced studies of the human genes have given an opening into the discovery of the various medications for the various human diseases and other complications.⁴⁸³ The human being has gained significant insight into what human life is all about. Genetic finger-printing, one of the current studies of the genes, has impacted heavily on the various enquiries of the different crimes and it has led to the conviction of many criminals in society.⁴⁸⁴

Contrary to this progress, there exist potential dangers in the new genetic and biological technologies.⁴⁸⁵ The human genome project, looked at from the context of the Roman Catholic tradition's understanding of health and medicine, has raised controversial questions regarding how such projects determine human life based on scientific underpinnings.⁴⁸⁶ Scientific research has surely advanced in this area of health and the medical field has gained tremendous knowledge and insights into certain therapeutic tools and medication that is

⁴⁸² Congregation for the Doctrine of the Faith, (1988). *Instruction Donum Vitae on Respect for Human Life at its Origins and for the Dignity of Procreation*. 22nd February. AAS 80. 70-102. The Church stated clearly in *Donum Vitae* that human embryo is the fruit of human generation. From the first moment of its existence from the moment the zygote has formed, human embryo demands unconditional respect that is morally due to the human being in his or her bodily and spiritual totality. The status of human embryos is that they are sacred and that they are developing human beings.

⁴⁸³ Mameli, M., (2007), *Reproductive Cloning, Genetic Engineering, and the Autonomy of the Child: The Moral Agent and the Open Future*, in the *Journal of Medical Ethics*, New York: Norton Publishers, February, 33(2): 87-93.

⁴⁸⁴ Jones, S., (1994), *The Language of Genes: Biology, History and the Evolutionary Future*, London: Harper Collins Publishers, 264-281.

⁴⁸⁵ Song, R., (2002), *Human Genetics in Ethics and Theology: Fabricating the Future*, London: Darton Longman & Todd, 2ff.

⁴⁸⁶ *Ibid.*

extraordinarily powerful.⁴⁸⁷ However, new kinds of moral problems have emerged. One of the major issues that have been raised is the status of the embryo.

There is much debate on whether the embryo should be treated as if it is a full human being, right from the moment of fertilization.⁴⁸⁸ Such moral issues, when discussed on a scientific level, particularly from the point of view of the proponents of euthanasia, have had serious repercussions on the understanding of who the human being is.⁴⁸⁹ Denial of the opinion to regard the embryo as a full human being has prompted some scholars to deny the humanity of a child who is born with physical and mental disabilities.⁴⁹⁰ The baby is regarded as a non-being, lacking human identity based on the quality of life criteria.⁴⁹¹ The understanding here is that the child is still living like an embryo that is not fully developed.

In the case of those who are mentally defective, the general perception is that such individuals are a disappointment to their families, a burden on their parents and a nuisance to their mothers and society at large.⁴⁹² Elizabeth Schlitz in defence of the abortion of a child with Down syndrome, said that society accepts that to abort a child with Down syndrome is based on the fact that such babies disappoint the expectations of the parents.⁴⁹³ She insists that the mother has a duty to abort the child.⁴⁹⁴ It is in the context of such social pressures that mothers are forced or hard-pressed to come to terms with the reality of living with child who physical and mental disabilities hence they have to make difficult choices and decisions. Forces of this nature aggravate the trauma the mother has been experiencing. We may assume beyond doubt that some mothers as primary care givers in such circumstances are left with the option of getting rid of the child with disabilities in whichever

⁴⁸⁷ Ibid.

⁴⁸⁸ Congregation for the Doctrine of the Faith, (1987), *Instruction on Respect for Human Life in its Origin and on the Dignity of Procreation Replies to Certain Questions of the Day*, Rome: The document states that the human being must be respected – as a person – from the very first instant of his existence. The implementation of procedures of artificial fertilization has made possible various interventions upon embryos and human foetuses. The aims pursued are of various kinds: diagnostic and therapeutic, scientific, and commercial. From all of this, serious problems arise. Can one speak of a right to experimentation upon human embryos for scientific research? The document insists that the fruit of human generation, from the first moment of its existence i.e. the moment the zygote has formed demands the unconditional respect that is morally due to the human being in his bodily and spiritual totality.

⁴⁸⁹ Ibid.

⁴⁹⁰ Schonmetzer, D., (Ed), (1965), Cited in Rahner, K., *Hominization: The Evolutionary Origin of Man as a Theological Problem*, New York: Herder and Herder, 94. Also cited in Carol, A., Tauer, (1988), *Abortion and Catholicism: The American Debate*, in Jung, P.B. and Shannon, T.A., (Eds), *Catholic Dissent on the Moral Status of the Early Embryo*, New York: Crossroad Pub. Co. 108-109.

⁴⁹¹ Ibid.

⁴⁹² Schlitz, E., (2005), in <http://www.djoleary.com>. *The Road to Day Break* by Nouwen, H. Posted on 12th June, 2005. 14:00 GMT.

⁴⁹³ Ibid.

⁴⁹⁴ Schlitz, E., (2006), *Change of Attitudes: Down Syndrome and the Pressure to Abort*, Minnesota: March 9.

ways possible for them. In view of this discussion we are somehow inclined to think that personhood is judged based on the quality of life criteria. Society increasingly believes that a mother who foregoes an easy abortion and chooses instead to give birth to a disabled child should not look to the community for help because it is her own fault and choice.⁴⁹⁵ This is crucial, especially because we are living in a world of enlightenment. Macklin stated that the quality of life criteria has automatically removed the humanity of the neonates who have gross and severe bodily impairments.⁴⁹⁶ The argument behind this position is that their lack of reasoning and other related strange features automatically questions their human identity.⁴⁹⁷ The understanding, therefore, is that there is nothing wrong with disposing of their children with disabilities in whatever fashion one chooses to undertake, if it is secretly done to avoid the disapproval of society. In consideration to the rise in the number of children with disabilities being dumped and abandoned in the region, we may also conclude that some people have adopted such ideologies as presented by Macklin and Schlitz above. Eliminating children with disabilities who are regarded as unwanted seems to be a trend favoured by society.

2.5.2.3. PAIN/TRAUMA OF THE PARENTS

The birth of a child with severe disabilities frustrates the expectations of the parents or the mother⁴⁹⁸. This is in addition to the pain the family or mother would endure. In cases of abnormalities such as spina bifida or Mongolism, it is extremely difficult for families or the mother alone to be able to stand the situation.⁴⁹⁹ It is within this context that parents resort to alternative ways of getting rid of such a life. The common understanding is that the child, too, might be undergoing a painful life.⁵⁰⁰ The suffering is anticipated from both parties the parents and the child itself. Making moral decisions to end a life, based on the status of the

⁴⁹⁵ Ibid.

⁴⁹⁶ Ibid. Posted on 20th March, 2010. 11:20 GMT. <http://www.qualityoflifecriteria.com>.

⁴⁹⁷ Ibid.

⁴⁹⁸ Smith, P.M., (2003), *Parenting a Child with Special Needs*, in *News Digest, A Publication of the National Information Centre for Children and Youth with Disabilities*, Washington DC: NICHCY Publishers, ND20, 3rd Edition, 1-2. The article states that when parents learn that their child has a disability or a chronic illness, they begin a journey that takes them into a life that is often filled with strong emotions, difficult choices, interactions with many different professionals and specialists and an ongoing need for information, assistance, understanding and support. The news becomes a threat to their (parent's) egos and a challenge to their value system. There is an experience of a constellation of emotions that may lead to something positive or negative.

⁴⁹⁹ Ibid. The point made in this article is that no parent wants his or her child to be sick, disabled or harmed in any way. It is not an experience anyone expects to have rather it is a journey that is unplanned. The terrain families must travel when they have a child with disabilities is often rough. The child with disabilities affects everyone in the family.

⁵⁰⁰ Brown, D., (1985), *Faith and the Future Choices, Ethics and Christian*, New York: Basil Blackwell Inc. Publishers, 125.

child, is not an easy one. What is more painful in this regard is the personal relationship between the mother and the child.⁵⁰¹

In normal circumstances, the decision to accept the child with disabilities and live with such a reality for life would certainly take strong minds to come to terms with the reality at hand⁵⁰². In most cases, it is a moment of pain for the mother, other children, and the entire family. Acceptance of the child with disabilities would be traumatic for the mother, parents in general and other children in the family.⁵⁰³ The mother- to- child relationship gets damaged and may haunt the mother for life.⁵⁰⁴ The relationship with other children ought to be considered in this case. Strange bodily features would impact heavily on the other children, to the extent that they might be traumatised, extending the suffering to the other siblings.⁵⁰⁵

One of the most difficult realities could be: how could someone let the child die since the child is already in great pain? How can someone in their right mind let such a child die on its own? How does one induce or facilitate instant death in such cases? Will it involve denying the child human needs or will someone induce death in the child? These are some of the most difficult things to consider and imagine. To be in that situation is, on its own, gravely painful. So, what could be the solution to such issues? There are certain things that ought to be taken into account, for instance, the fact that the child does not comprehend reality fully does not mean that it is immune to the feelings of pain inflicted on it.⁵⁰⁶ In the first place, the project considers the fact that no human being has the full capacity to make moral decisions that could be regarded as correct judgements that are made beyond reasonable doubt.⁵⁰⁷ The autonomy of the child is disregarded if life- threatening decisions are made in situations where there conflicts of values and ideologies from which people may draw their conclusions as brown is putting it in his book cited above.⁵⁰⁸ To some extent,

⁵⁰¹ Palermo, T.M. and Eccleston, C., (2009), *Parents of Children and Adolescents with Chronic Pain*, in *National Institute of Health Journal*, Barth: Centre for Pain Research, Issue 146, 1-2, 15-17. In this article, it is stated that it is rare for studies to focus specifically on the mental health of adults exposed to the chronic stress of living with, caring for and parenting a child in persistent pain. Palermo reviewed the potentially devastating impact of chronic pain on parents drawing attention to the widespread social, relational, emotional, and financial impact.

⁵⁰² Ibid.

⁵⁰³ Ibid.

⁵⁰⁴ Logan, D.E. and Scharff, L., (2005), *Relationships Between Family and Parents Characteristics and Functional Abilities in Children with Recurrent Pain Syndromes: An Investigation of Moderating Effects on the Pathway from Pain to Disability*, in the *Journal of Paediatric Psychology*, New York: PubMed: 16093517, Issue 30, 698-707.

⁵⁰⁵ Ibid.

⁵⁰⁶ Ibid.

⁵⁰⁷ Brown, M.A., (2002), *Human Rights and the Borders of Suffering: New Approaches to Conflict Analysis*, Manchester University Press, 18-20.

⁵⁰⁸ Ibid.

similar conclusions are drawn by some people in other places as well. The situation in KwaZulu-Natal to some extent, the above analogy may be applied. Some people out of their own discernment conclude and decide in their mind that they may choose to abandon and dump the child with disabilities in inhuman conditions, where death of the child will take its course. This might be one of the reasons why we have many cases of children with disabilities being found dumped, whether dead or alive.

2.6. BIBLICAL ANALYSIS OF CHILD HOMICIDE: IMPACT OF ORIGINAL SIN

Child homicide could be associated to one of the unrestrained impulsive of family violence. Paul in his letter to the Roman for instance, he makes it clear how the human family is guilty, as he describes that our mouths are full of deceit, bitterness, cursing and death and that our actions are full of destruction and misery.⁵⁰⁹ Our Christian belief related to Paul's remarks in the above cited version, there is an understanding that our nature as human beings, we carry our propensity to sin from the moment of our conception.⁵¹⁰ From the above reality, we note that there is an impression pointing to something more than just committing an evil act. To this effect, Häring in some of his treatises noted that, through original sin, disorder entered the human world and became the root cause of bloodshed and all sorts of evil tendencies.⁵¹¹ Original sin in the process breeds acts of violence, which are prevalent in society today.⁵¹² The research project, through the exploration of the book of Genesis will present the roots of violence against human life, emphasising the impact of original sin on the human person, saying:

“Cain said to Abel, his brother, “Let us go out to the field”. And when they were in the field, Cain revolted against his brother Abel and killed him. Then the Lord said to him, “Where is Abel your brother?” He said, “I do not know, am I my brother’s keeper?” And the Lord said to him, “What have you done? The voice of your brother’s blood is crying to me from the ground. And now you are cursed from the ground which has opened its mouth to receive your brother’s blood from your hand. When you tell the ground, it shall no longer yield to you its strength; you shall be a fugitive and a wanderer on earth.”⁵¹³

⁵⁰⁹ *Revised Standard Version (Bible)*, Romans 3:23.

⁵¹⁰ Brown, R.E., Fitzmyer, J.A., and Murphy, R.E., (2001), *The New Jerome Biblical Commentary*, Bangalore: Theological Publications, Commentary on Romans 3: 1-23. He talks about trouble and distress as an expression of divine displeasure manifested towards human beings in this life, implying the reverse of the normal order per God's original plan and will.

⁵¹¹ Häring, B., (1963), *The Law of Christ: Moral Theology for Priests and Laity*, Cork: The Mercier Press, Vol. One, 374.

⁵¹² *Ibid.*

⁵¹³ Raymond, E.B., Joseph, A.F., Roland, E.M., (2000), *The New Jerome Biblical Commentary*. London: Geoffrey Chapman Publishers, 12-13. Commentary on Genesis 4:1-16 stated that disobedience and punishment continued among the children of a man and a woman. The power of sin reign in the family culminating into an

According to New Jerome Biblical Commentary, the story of Cain and Abel represents a notion of the disobedience of Cain resulting in him being punished.⁵¹⁴ Cain's reaction to God's circumscribing command is to hate his brother whom he hacked to death.⁵¹⁵ Yahweh confronted Cain for the evil act of murder of his brother Abel.⁵¹⁶ Cain in the process experienced the unbearable effects of his sinful act of killing Abel.⁵¹⁷ In this regard, Cain acted contrary to the divine order by disobeying God, the inner voice imprinted in his heart.⁵¹⁸ This inner voice of God could be called 'conscience or the natural law' that is embedded in our hearts.⁵¹⁹ Conscience or natural law compels each one of us to adhere to God given values.⁵²⁰ It directs us to listen to the inner voice of God which enforces us to do the objective good.⁵²¹ We often disobey God as Cain did when we strive to achieve the subjective good forgoing the common good.⁵²² It is in this manner that original sin shows itself in us with a mark that drives us away from doing what is good. It is in the same sense that people choose to do harm to an innocent life of a child with disabilities.

The Christian faith has always rejected the understanding that evil constitutes part of the original divine intention.⁵²³ Sin is rather attributed to the human person himself or herself. Given the fact that God created the human person with a free will, it is therefore out of his or her own freedom of choice that the human person opted to disobey God.⁵²⁴ Evil in the world reflected the human person's own freedom to choose what is best for him or her.⁵²⁵ It was an ethical choice that stemmed from the person's choice to act contrary to what God had originally designed.⁵²⁶ The Church recognized that the entrance of sin into the world has

incident whereby Cain murdered his own brother Abel. If you do not act rightly, sin becomes a Croucher at your door. Sin caused Cain to hate and kill his own brother. Yahweh confronts Cain for what he did to his brother. In this case, I consider sin as the root of hatred and violence that led Cain to murder his own brother.

⁵¹⁴ Raymond E. Brown, Joseph A. Fitzmyer and Roland E. Murphy, (Eds), (2007), *The New Jerome Biblical Commentary*, Bangalore: Theological Publications, Article Number 6, 13.

⁵¹⁵ Ibid.

⁵¹⁶ Ibid.

⁵¹⁷ Ibid.

⁵¹⁸ *The Catechism of the Catholic Church*, Article Nos. 1795-1802. The inner voice imprinted in our hearts is sometimes referred to as 'Conscience' meaning that part of the human psyche that induces mental anguish and feeling of guilt when we violate it and feelings of pleasure and well-being when our actions, thoughts and words are in conformity to our value system.

⁵¹⁹ Ibid.

⁵²⁰ Rwiza, R.N., (2001), *Formation of Christian Conscience in Modern Africa*, Nairobi: Pauline's Publications Africa, 97-101.

⁵²¹ Ibid.

⁵²² Brown, R.E., Fitzmyer J. A., and Murphy, R.E, (Eds), (2007), *The New Jerome Biblical Commentary*, Bangalore: Theological Publications, Article Number 6, 13.

⁵²³ Neuner, J., and Dupuis, J., (Eds), (2001), *The Christian Faith in the Doctrinal Documents of the Catholic Church*, Bangalore: Theological Publications Art, 7th Edition, 175, 202-227.

⁵²⁴ Ibid. 208-209.

⁵²⁵ Ibid.

⁵²⁶ Ibid. 208-209.

assumed various forms. One of the major forms of sin in the world is the social nature of sin.⁵²⁷ This is manifested in the abandonment, dumping, and killing of children with disabilities. The tendency to do evil challenges almost every person. The current situation regarding children with disabilities illustrates a concrete human malaise in which humanity struggles to combat suffering. The various instances of infanticide, homicide, fratricide, and many forms of inhuman tendencies, known or not known to the public as reflected in this discourse are somehow manifestations of the nature of sin that has influenced human beings. We can therefore suggest strongly that sin in general is the driving force behind the evil tendencies and acts of violence manifested in the form of abandoning, dumping, and killing innocent children with disabilities who have no capacity to defend themselves. There is an element of truth in the assumption that the fate of children with disabilities can be attributed to some evil social tendencies that might be rooted in the original sin.

2.7. CONCLUSION

The first chapter presented an exploration of the situation of children born with physical and mental disabilities. It was noted that the act of abandoning, dumping and killing unwanted children is a reality in society today. This reflects a wider problem, countrywide and at provincial level, and the number of children who are vulnerable to malicious acts is high. Media reports indicate a high rate of children with disabilities who are abandoned or dumped in the various places in the region.⁵²⁸ The situation is appalling and it raises serious moral questions. In consideration to the exposition in the first chapter, the second chapter aimed at studying the reasons why children with disabilities are eliminated from society. The situation is a clear manifestation of a society that is experiencing a moral decadence, particularly around how to nurture children with disabilities. The chapter examined several issues that can be regarded as the driving force behind enticing people to abandon, dump and kill children who exhibit certain bodily ailments and complications. Having looked at the reasons why some parents perpetrate such malpractices, the following chapter will study the philosophical and theological basis for such actions by those guilty of child abuse. The assumption is that there exist certain trends of thought that influence people's perception to act in the way that they feel is good for them. It is in the context of the existence of such theories, principles, ideologies, and cultural practices that people find themselves acting in

⁵²⁷ Häring, B., (1963), *The Law of Christ: Moral Theology for Priests and Laity*, Cork: The Mercier Press, Vol. One, 370-382.

⁵²⁸ Prat, R.A., Royo, M.C., Sales, P.J., Escribano X., and Balaguer, A., (Eds), (2016), *Patient Perspectives of Dignity, Autonomy, and Control at the End of Life: Systematic Review and Meta-Ethnography*, in *PLOS ONE Review Journal*, DOI:10.1371, March 24, Research Article. 2/18.

a manner that becomes the source of society's moral decadence. The third chapter will examine the different trends of thought, as explored by the various scholars around philosophy and theology, to establish the basis of certain inhuman actions.

CHAPTER THREE

3. THE DIFFERENT CONCEPTS OF HUMAN DIGNITY, ETHICAL PERSPECTIVES, AND THE CONTEMPORARY IMPLICATIONS OF CHILD HOMICIDE

3.1. INTRODUCTION

Human dignity as a concept has been understood and interpreted differently from the diverse angles of the social life of human beings.⁵²⁹ It has been labelled as an ambiguous concept that is used as a basis for permitting voluntary and involuntary euthanasia, which creates a dilemma for the human mind.⁵³⁰ It has been characterised as a banal concept due to the fact that it can be manipulated to suit one's interest, adding no value to what it means to be human.⁵³¹ The concept of human dignity constitutes one of the core values upon which human life and the human person finds its proper meaning that is holistic.⁵³² The Christian tradition, through the exposition of its main teaching on human life and the life of an individual person, makes use of the concept to a deeper transcendental and eschatological level, giving it its own ground based on the Biblical narration of human creation.⁵³³ It is therefore, without doubt, that there is a strong basis in defence of the dignity of the person, and human life, understood from the Christian perspective. In this case, we can ascribe the

⁵²⁹ Baertschi, B., (2014), *Human Dignity as a Component of a Long-Lasting and Widespread Conceptual Construct*, in *Journal of Bioethics Inquiry*, Issue No. 11 (2): 201-211, Published online on April 22. <http://www.nbi.nlm.nih.gov/pmc/article/PMC4061478>. 10.1007/s11673-014-9512-9, Posted on 18:27 GMT. The article states that in the recent decades, the invocation of human dignity has become increasingly frequent in bioethical debates and has also come under growing criticism. Some scholars deplore the degree to which it is now prevalent and fear that it could become an irremediably confused concept. Consequently, papers have appeared with denigrating titles such as 'Dignity Is a Useless Concept' even others saying 'The Stupidity of Dignity' etc.

⁵³⁰ Harris, J., (2003), *The Value of Life: An Introduction to Medical Ethics*, New York: Routledge & Kegan Paul Publishers, 82-83. Harris talks on the problem of the justification of euthanasia considering the massive level of non-voluntary and in some cases involuntary acts that society already permits and practices which are meant to be outlawed and regulated.

⁵³¹ Pinker, S., (2008), *The Stupidity of Dignity*, in *the New Republic Journal*, May 28, in <http://www.newrepublic.com/article/the-stupidity-dignity>, Washington DC: Independent Agencies and Commissions Publishers, 7. Posted on 18:38 GMT. Pinker claims that dignity is a phenomenon of human perception. Certain features in another human being trigger ascriptions of worth. The perception of dignity in turn elicits a response in the perceiver. The appearance of dignity triggers a desire to esteem and respect the dignified person. This explains why dignity is morally significant: we should not ignore a phenomenon that causes one person to respect the rights and interests of another.

⁵³² Second Vatican Ecumenical Council, (1966), *Pastoral Constitution Gaudium et Spes*, 26: AAS 58, 1046-1047. The Council affirmed that that the social order and its development must invariably work to the benefit of the human person since the order of things is to be subordinate to the order of persons and not the other way around.

⁵³³ Pontifical Council for Justice and Peace, (2004), *Compendium of the Social Doctrine of the Church*, Nairobi: Pauline's Publications, Article No. 130, 71.

human dignity to children with disabilities considering that it is a concept that has an intrinsic value of a person which almost equivalent to one's personal autonomy.⁵³⁴

In this chapter, the main argument is based on human dignity as a concept. The concept of human dignity, considering all the diverse perspectives, whether conflicting or not, could be taken as a criterion on which one could establish a theology of human dignity that would not compromise the reality of the inherent rights of children with disabilities. The chapter will examine the concept of human dignity and to what extent it has contributed to moral decadence of people who are abandoning, dumping, and killing children with disabilities. The chapter will look at the different ethical perspectives of the concept of human dignity in relation to children with disabilities and how they have contributed positively and negatively to the current situation of infants born with physical and mental disabilities.

The chapter will closely explore the different ethical perspectives. It will show how they relate to each other and how they play a major role in the formulation of certain life-threatening decisions. Human dignity as an ethical concept has been looked at as being relative, sacred, and futile.⁵³⁵ The chapter will further consider the concept of human dignity in relation to natural, moral law. In this regard, human life will be examined from the perspective of children with disabilities, considering the perennial tension, i.e. the area of what constitutes natural law and how it influences people's perception towards children with disabilities. We will further consider the basis upon which we judge someone to be worthy of his or her own dignity. In view of the above planning, we must consider the social question of human dignity and its normative principles that could help us to substantiate the holistic idea of human dignity as a core Christian value that is applicable to all situations relating to child disabilities. Contrary to the above notions, we will also examine certain irregularities of human dignity as a concept and show how it impacts on people's perception negatively especially in the context of child disabilities.

Finally, the chapter will establish certain contemporary implications that have been drawn from the various sectors of human life regarding the concept of human dignity. Positive and negative conclusions have been made, to the detriment of the life of the most vulnerable group of people in society. Many innocent children with disabilities have been deemed non-human and alienated from society as explored in the first chapter. The state of being physically and mentally disabled has been labelled as an undignified life, not worthy of

⁵³⁴ Ibid.

⁵³⁵ Baertschi, B., (2014), *Human Dignity as a Component of a Long-Lasting and Widespread Conceptual Construct*, in *Journal of Bioethical Inquiry*, in <http://www.ncbi.nlm.gov/pmc/articles/PMC4061478>, Issue No. 11 (2): 201-211. Posted on April 22, 19:06 GMT.

living, looked at from the negative view of the concept of human dignity. The current perspectives of children with disabilities being abandoned, dumped, or exposed to assisted suicide, point to something more daring to substantiate the fact that the concept of human dignity has been misunderstood in some quarters. It is within such a context that this project has embarked on the theological exposition as a process to redress the situation through the establishment of a proper theology of human dignity that is relevant and meaningful to all humanity.

3.2. THE CONCEPT OF HUMAN DIGNITY IN RELATION TO CHILDREN WITH DISABILITIES

The two previous chapters gave a well-modelled exposition of the situation in the Province of KwaZulu-Natal, in relation to children with disabilities. There was an informative evidence of many innocent children with disabilities who are abandoned by their primary care givers, some of whom are dumped in inhuman conditions that makes their survival impossible and while others are exposed to child homicide.⁵³⁶ Some children are deemed as non-human, while others are categorised as unwanted children in society.⁵³⁷ The physiological condition or state of their life renders them to be looked at as undignified state of life, not worthy of living hence they are sometimes victims of child abuse that manifests itself in various forms by their parents or care-givers.

Such an exposition partly explains and unfolds a unique worldview regarding the situation of children who are born exhibiting strange features that disqualify their identity as human beings, at least in certain quarters of life. External perceptions of people, especially in contemporary society, have created a volatile environment for the most vulnerable innocent children with disabilities.⁵³⁸ Some of the effects of the current human perception towards the state of being physically and mentally disabled constitute the decay of personal morality expressed through our dispositions and certain habits; and the limitation of one's rationality,

⁵³⁶ Kwazulu Natal Department of Education, (2010), *Policy Guidelines for the Management of Child Abuse and Neglect in KZN Department of Education*, Compiled by School Social Work Component. 6-7. Abuse of children constitutes emotional abuse i.e. attacks on the child's emotional development and self-worth via criticism, belittling and insulting the child. It also means rejection, withdrawal of love, support, and guidance. Neglect means any act or omission by a parent or caregiver which results in impaired physical function, development, injury, or harm to the child. The policy was put in place to address the problem facing children who are abandoned or neglected by their parents and sometimes dumped in inhuman conditions.

⁵³⁷ Ibid.12-13 The section presents certain characters developed by neglected children because of wrong perceptions people have towards children. Most of these children are physically or mentally challenged.

⁵³⁸ Kass, L.R., (2008), *Defending Human Dignity, in The President's Council on Bioethics, Human Dignity and Bioethics*, Washington DC: Independent Agencies and Commissions, 297-331.

clinging only to personal interests, at the expense of objective core values.⁵³⁹ It has also led to the outbreak of violent ethics that are exclusive.⁵⁴⁰ It has compounded heavily on people's attitudes towards those whom society deems as an unproductive group of people who can hardly contribute anything positive to society.⁵⁴¹ The question of human values has taken a new twist in the current worldview, due to the change of things, generally, change in people's mentality, change of times and the constant change in scientific and technological facets of human life.⁵⁴² The human person seems to fail to cope with a constant transition of life issues especially in the context of reign of democracies and the realization of human rights. Certain human values seem to be compromised heavily, for instance the value of life itself viewed from the experience facing children with disabilities becomes meaningless in a world of the survival of the fittest. It has become extremely difficult to make sense of certain life challenges and even to find proper solutions to the current challenges facing children with disabilities. One of the various perspectives of human dignity is what Ikeda called the "irrevocable destruction of the irreplaceable lives".⁵⁴³ Blackie's fieldwork, conducted in the year 2013 and 2014 involved an in-depth interviews and participant observation with young women experiencing unplanned pregnancies, women who had been apprehended for abandoning their children, community members, police officers, nurses, social workers, baby home managers, caregivers, adoption social workers, foster care and adoptive parents, psychologists, psychiatrists, legal experts, traditional healers and abandoned children, presented the facts and findings of their fieldwork that correspond with the same problem addressed in the current study.⁵⁴⁴

Human dignity is one of the core criterion to support the ideal situation for children with disabilities. In the process of entering the theological domain of human dignity, the project will first examine "human dignity" as an ethical concept, examine the different facets of human dignity, i.e. human dignity understood as rights, freedoms, responsibility, autonomy, Imago Dei, natural law, and dignity as existential human value. The project will consider the evolutionally progression of the various facets of human dignity and examine how some of

⁵³⁹ Peschke, C.H., (1979), *Christian Ethics Vol. One: A Presentation of the General Moral Theology in the Light of Vatican II*, Dublin: C. Goodliffe Neal, 197.

⁵⁴⁰ Ibid. 196.

⁵⁴¹ Fuchs, V.R., (1982), *Economic Aspects of Health*, Chicago: University of Chicago Press, 4-6. Fuchs in his paper argues that time preference is likely to be negatively correlated with schooling, negatively correlated with health status, negatively correlated with social investments. In this case, children with disabilities weighed from the perspective of productivity, it is unlikely that people would invest in them hence discriminated.

⁵⁴² Ibid.

⁵⁴³ Daisaku, I., and Wilson, B., (1984), *Human Values in a Changing World: A Dialogue on the Social Role of Religion*, London: MacDonald & Co (Publishers) Ltd, 71.

⁵⁴⁴ Blackie, D., (2014), *Fact Sheet on Child Abandonment Research in South Africa*. In *National Adoption Coalition*. Pretoria: SA's Adoption Assistance Centre, Issued on 20th May.

them have become predominant over the others, imposing change of character in people's mentality towards children with disabilities. Finally, in this chapter we will show how society has used the concept of human dignity for subjective interests, over-ruling certain ethical norms, the person's autonomy, and the inherent right to life of children with disabilities. The synthesis of these diverse notions of the different perspectives will complement the subject matter.

3.3.1. HUMAN DIGNITY AS AN ETHICAL CONCEPT

Human dignity as an ethical concept has posed as a contentious moral conundrum among contemporary ethicists. In the realm of medical ethics, there is more emphasis on the patient's autonomy than on human dignity.⁵⁴⁵ The understanding is that if people have strong respect for personal autonomy, there is no need for an appeal to the concept of human dignity.⁵⁴⁶ The goal of personal autonomy and human dignity is geared towards the protection and safe-guarding of ones' inherent rights and in this case, children with disabilities. This is what the practice of medicine ought to be. This was explored at length by Ruth Macklin, who ruthlessly concluded that dignity is a useless concept, as it adds no extra value to what we could call 'human worth'.⁵⁴⁷ Macklin recognized the principle of personal autonomy and informed consent as the bedrock of ethical research and practice.⁵⁴⁸ In consideration of Macklin's point of view as presented above, human dignity can hardly be used to determine the value of the person's life especially the life of a child with disabilities. The objection to this reasoning is because the situation on the ground is contrary to what Macklin is advocating i.e. personal autonomy and informed consent of the child with disabilities. The research findings of Dee Blackie revealed that many people have very little respect for personal autonomy, considering the numbers of children who are abandoned and dumped by siblings.⁵⁴⁹ Therefore it is not enough in this regard to consider personal

⁵⁴⁵ Harris, J., (2003), *The Value of Life: An Introduction to Medical Ethics*, London: Routledge & Kegan Paul Publishers, 195-198.

⁵⁴⁶ Ibid. Paternalistic interference is out of question hence personal autonomy takes priority needing no appeal to human dignity. In principle, the goal of personal autonomy and human dignity are related pointing to one element i.e. the welfare of a person.

⁵⁴⁷ Pinker, S., (2008), *The Stupidity of Dignity* in *The New Republic*, published on Wednesday, May, 28. This phrase "*The Stupidity of Dignity*" per Steven Pinker does not mean that human beings lack an inherent dignity or moral worth rather it means that the term "*dignity*" itself has been constantly abused that it has become almost worthless in moral debates. The issue is, how can we justify mercy killing as dignified death without the consent of the child herself or himself. Mercy killing as the means to eliminate pain and suffering of the child cannot be termed as dying with dignity without the consent of the child. It is in such circumstances that the term "Dignity" has been abused and it has become a useless concept depending on its usage.

⁵⁴⁸ Ibid.

⁵⁴⁹ Blackie, D., (2014), *Fact Sheet on Child Abandonment Research in South Africa*. In *National Adoption Coalition*, SA's Adoption Assistance Centre, Issued on 20th May.

autonomy as the only criterion to determine one's worth. The problem lies in the understanding of the concept of human dignity.

Being sick, or being in a state of physically or mentally disabled is often taken as undignified life.⁵⁵⁰ Extreme poverty is also a root cause of other forms of deprivation to survive, develop and to be protected. It is thus regarded as undignified life.⁵⁵¹ In consideration to the perceptions cited above, we can ascertain that certain conditions of human life, such as severe sickness of any sort, extreme poverty, the state of being physically and mentally disabled and many other related situations, might rob a person's worth. In the case of severe mental and physical disabilities, some people would consider the relief of suffering as the highest good.⁵⁵² Assisted suicide and dumping of children with disabilities may often be justified from that perspective. This is based on the understanding that the preservation of life is not always paramount.⁵⁵³ There is an assumption that a patient does not have absolute autonomy and, in this case, children with severe disabilities may also fall within that category.⁵⁵⁴

The present thesis questions the validity and reliability of such assumptions, as they can be used in the abuse of basic human rights in the context of a volatile environment where the rate of child abuses is high. Considering the above discussion on human dignity, there is a high risk of imposing personal interests and choices on the most vulnerable groups of people. The normative perspective could be to put emphasis on what "ought" to be done that could respect the rights of children with disabilities. In this regard, using the concept of human dignity as a criterion for the termination of human life might be over-stretched though there are conflicting understandings on the interpretation of the concept itself i.e. the concept of human dignity. Human dignity as an ethical concept ought to transcend all subjective and personal affiliations. It ought to recognize the sanctity of life of children with disabilities and hence worthy of a criterion to preserve the life of children who more prone to vulnerability.

⁵⁵⁰ Binding, K. and Hoche, A., (2007), *Permitting the Destruction of Life Unworthy of Living*, in Weitz, E.D. and Roubinek, E.S. (Eds), *for certain populations and this population included mentally and physically disabled people who posed Re-Imagined Communities: National, Racial and Colonial Visions in Nazi Germany and Fascist Italy, (1922-1943)*, Minnesota: Minnesota University Press, 1-2. In this article, Binding and Hoche argued in favour of allowing the practice of euthanasia as financially burdensome to society and they offered a legal basis for permission to kill them.

⁵⁵¹ *UNICEF Report*, (2009), *Situation Analysis of Children in South Africa* as ratified by South Africa framing devices to assess right's implementation of the South African Children.

⁵⁵² Harris, J., (2003), *The Value of Life: An Introduction to Medical Ethics*, London: Routledge & Kegan Paul, 81-85.

⁵⁵³ *Ibid.*

⁵⁵⁴ *Ibid.* 85-87.

3.3.2. DIGNITY IS RELATIVE

Ascriptions of dignity vary radically with time, place, and the beholder. For example, Küng, H., a Swiss theologian who was diagnosed with Parkinson's disease and macular degeneration which can eventually lead to blindness, perceived human dignity in a unique way when he associated it with Parkinson disease.⁵⁵⁵ In an interview with Jimmy Burns concerning his health situation, Küng stated that he is considering assisted dying in neighbouring Switzerland.⁵⁵⁶ The renowned theologian considered living a life with dementia, Parkinson's disease, macular degeneration and polyarthritis as an undignified life not worthy living.⁵⁵⁷ He could not perceive such a life, in which he would be ridiculed by children in the city.⁵⁵⁸ He was somehow contemplating that assisted suicide would be one of the means of giving his life back to God.⁵⁵⁹

We therefore assume that the choice he made was in line with his personal conviction that opting for euthanasia would be regarded as a personal call of duty to be responsible for the end of his life. Belgium has recently legalised euthanasia for terminally ill children of any age though on a wider level such a move has caused outrage from various sectors of life.⁵⁶⁰ There seem to be a strong wave worldwide that is aimed at doing away with life that is considered not worthy of living, while contrary to that motion, many Christians, Muslims and Jews have strongly condemned the act, as it would encourage the legality of assisted suicide for children with disabilities side-lining their autonomy.⁵⁶¹ Similar sentiments and inclinations might be felt among families and mothers, who might be overwhelmed by the reality of having a child with disabilities. Based on different life experiences, some families may feel that they have an obligation to do away with the child with disabilities, since it is a life not worth living.⁵⁶² It is in this sense that the term "dignity" is relative. It can mean anything to anybody. Modern demographics, in view of advanced medical research, new

⁵⁵⁵ The Tablet Interview, (2014), *Frank Exchanges*, in the "The Tablet", 1st February Issue, 7.

⁵⁵⁶ Ibid.

⁵⁵⁷ Ibid.

⁵⁵⁸ Ibid.

⁵⁵⁹ Ibid.

⁵⁶⁰ Roberts, J., (2014), *At the Hour of our Death*, in "The Tablet", *Legal Matters of Life and Death*, February Issue, 22nd February, 4-5.

⁵⁶¹ Ibid.

⁵⁶² Binding, K. and Hoche, A., (2007), *Permitting the Destruction of Life Unworthy of Living*, in Weitz, E.D. and Roubinek, E.S. (Eds), *for certain populations and this population included mentally and physically disabled people who posed Re-Imagined Communities: National, Racial and Colonial Visions in Nazi Germany and Fascist Italy, (1922-1943)*, Minnesota: Minnesota University Press, 1-2. In this article, Binding and Hoche argued in favour of allowing the practice of euthanasia as financially burdensome to society and they offered a legal basis for permission to kill them.

areas of theological and philosophical debate on such acts of assisted suicide, have opened new avenues in society.⁵⁶³ To this effect, we observe that the perception of human dignity among many scholars and ordinary people in society has taken a novel outlook contrary to the ideals perceived by Christian theological beliefs.

At this point, we may affirm that once human dignity becomes relative, it may open the window for potential possibilities of child abuses. People in certain sectors of life may justify the act of abandoning, dumping, and killing children with severe disabilities.⁵⁶⁴ It is this understanding of human dignity that contributes negatively to the current situation of children with disabilities. Experience and mere observation of the situation in the region of KwaZulu-Natal indicates that there is a clash between the ethics of value and ethics of duty.⁵⁶⁵ Thomas Higgins posed a question: “Does the morality of an act depend on its nature or its consequences?”⁵⁶⁶ From the perspective of the current discourse, a moral evaluation of any human act associated with children with disabilities is determined in two ways, the ethical moral evaluation, and the Biblical moral evaluation. From the ethical moral evaluation which may apply to wider community the same, there are factors that determine the morality of an act, namely the moral object, the intention and the circumstances.⁵⁶⁷ From the Biblical moral evaluation of an act, the morality of an act is based on two great commandments, love of God above all else and the love of your neighbour as yourself.⁵⁶⁸ From this point of departure, we affirm that an ordered love of God, your neighbour and

⁵⁶³ Pinker, S., (2008), *The Stupidity of Dignity* in *The New Republic*, published on Wednesday, May, 28. This phrase “*The Stupidity of Dignity*” per Steven Pinker does not mean that human beings lack an inherent dignity or moral worth rather it means that the term “*dignity*” itself has been constantly abused that it has become almost worthless in moral debates. The issue is, how can we justify mercy killing as dignified death without the consent of the child herself or himself. Mercy killing as the means to eliminate pain and suffering of the child cannot be termed as dying with dignity without the consent of the child. It is in such circumstances that the term “*Dignity*” has been abused and it has become a useless concept depending on its usage.

⁵⁶⁴ Otieno, G., Marinda, E., Barnighausen, T., and Tanser, F., (2015), *High Rates of Homicide in Rural South African Population (2000-2008): Findings from a Population-Based Cohort Study*, in *Population Health Metrics Journal*, Johannesburg: BioMed Central Publishers, 2-9.

⁵⁶⁵ Ethics of value denotes the belief in certain realities and norms that safeguard core principles of life where as ethics of duty mandates someone to execute certain obligations while weighing the values that are in conflict while considering the best option that is realistic and manageable.

⁵⁶⁶ Higgins, T.J., (1967), *Ethical Theories in Conflict*, Milwaukee: The Bruce Publishing Company, 21.

⁵⁶⁷ Di Ianni, A., (1979), *The Direct / Indirect Distinction in Morals*. In Curran, C.E., McCormick, R.A., (Eds). *Reading in Moral Theology No.1. Moral Norms and Catholic Tradition*, New York: Paulist Press, 215-243. By moral object is meant what the free will chooses to do in thought, word, or deed or not to do. The intention is the purpose for which a person acts. It is the motive or reason an action is done. Circumstance means all the elements that surround a human action and affects its morality without belonging to its essence. Circumstances may sometimes change the degree of goodness or badness of an act. Also, check *The Catechism of the Catholic Church*. Art. No. 1750.

⁵⁶⁸ Pontifical Council for Justice and Peace, (2004), *Compendium of the Social Doctrine of the Church*, Nairobi: Pauline Publications, Art. No. 204.

yourself would best suit the contemporary situation facing children with disabilities and may be a suitable basis for morality. Based on the above evaluation of morality of a human act, abandonment, dumping and mercy, or direct, killing of children with disabilities might have failed to meet the above criteria for justification of an act. We therefore affirm that the morality of abandoning, dumping or killing of children with disabilities ought to be grounded on the ethical and Biblical moral values enshrined in the social doctrine of the Christian faith and in morals.⁵⁶⁹

We may consider them as carrying a compelling weight within the context of the determination of the morality of certain actions directed towards children with disabilities. Based on these grounds, morality would be considered as such that one is commanded by it and there is no option of opting out of it or making the claim that it does not apply to you.⁵⁷⁰ There exist certain types of actions which are absolutely prohibited by law, even in cases where the action would bring about more happiness than the alternative.⁵⁷¹ For instance, some primary care givers or mothers would feel much more relieved after abandoning, dumping or killing of a child with disabilities. In this regard, the Children's Act brings about the law to take the perpetrators to justice as enshrined in the laws of the nation i.e. The Constitution of the Republic of South Africa.⁵⁷²

3.3.3 HUMAN DIGNITY IS SACRED

Gaudium et Spes highlighted one of the most important issues of the time, which is the solidarity of the Church with the whole human family, saying:

“The joys and hope, the grief and anguish of the men of our time, especially of those who are poor or afflicted in anyway are the joy and hope, the grief and anguish of followers of Christ as well.”⁵⁷³

⁵⁶⁹ Ibid. The article puts more weight on the rights of children to be legally protected within the juridical system. On the other level, the Church's social doctrine constantly points out the need to respect the dignity of children. It further says that the above affirmations are true for every child, but it becomes even more urgent the smaller the child is and the more it needs everything when it is sick, suffering or handicapped. This can also be affirmed in John Paul II's Apostolic Exhortation *Familiaris Consortio*, 26: AAS 74(1982), 111-112.

⁵⁷⁰ Ibid. We have some belief systems in Christianity and in other religions that informs us of certain values that must be promoted if at all human rights would be meaningful. To this effect, we do not compromise any of those Gospel values because they have a universal quest for meaning. For instance, any criteria of judging the morality of an act that discriminates children with disabilities would be contrary to Gospel values and at the same time, they would be contravening the letter and the spirit of human rights for children with disabilities.

⁵⁷¹ *Children's Act 38 of 2005*, states that the ratification of this Act is to give effect to certain rights of children as contained in the Constitution; to set out principles relating to the care and protection of children; to define parental responsibilities and rights; to make further provision regarding children's courts; to provide for the adoption of children; to provide for inter-country adoption; to prohibit child abduction and to give effect to the Hague Convention on International Child abduction; to provide for surrogate motherhood; to create certain new offences relating to children; and to provide for matters connected therewith.

⁵⁷² Ibid.

⁵⁷³ Vatican Council II, (1965), *Gaudium et Spes: A Pastoral Constitution on the Church in the Modern World*, 7th December, 903.

From the quotation above, the Council Fathers took a firm stand in acknowledgement of the current human situation in the world.⁵⁷⁴ It was one of the most significant statements made by the Council members acknowledging the negative component, particularly the plight of the poor person.⁵⁷⁵ In confirmation to the observation of the Council Fathers, Giddens, in the debate on globalization, described the current human situation in the world as erratic and dislocated.⁵⁷⁶ In this debate on globalization, the phenomenon of human suffering particularly the plight of children with disabilities is real and, at the same time, needing urgent attention.⁵⁷⁷ The world-wide situation has been exposed to a rapid change, which has somehow divided the world into the so-called developed world and the Third World, mostly known as under-developed countries.⁵⁷⁸ Many people living in the ‘Third World’ still live according to the pattern of an unprogressive life, where poor people fail to cope with the vortex of change.⁵⁷⁹ To this effect socio-economic changes in the world may have created a situation of imbalances, making the poorer nations become more poorer. Gil Bailie, in his treatise, presented a vivid picture of the current situation, saying:

“The epidemic of crime, drugs, and violence we are now experiencing is just the most conspicuous manifestation of a broader and deeper disintegration of the human family.”⁵⁸⁰

Bailie be-mourned the reality of the various abuses in the world, particularly the abuses that are directed towards the most vulnerable groups of people in society.⁵⁸¹ Children with disabilities may be included in this category.

⁵⁷⁴ Ibid.

⁵⁷⁵ Ibid. Paragraph 63 of the encyclical states that while an immense mass of people still lacks the absolute necessities of life in this case, children with disabilities in the rural settings, some people live sumptuously and squander wealth. Luxury and misery rub shoulders. While the few more enjoy very great freedom of choice, the many are deprived of almost all possibility of acting on their own initiative and responsibility and often subsist in living and working conditions unworthy of human beings.

⁵⁷⁶ Haggis, G., (2005), *Making the Connections: Globalization and Catholic Social Thought*, in John A. Coleman and William F. Ryan, (Eds), *Present Crisis and Future Hope*, New York: Oribis Books, 10.

⁵⁷⁷ Tada, J.E., (2007), *Christ’s Compassion for ‘The Least’ and People with Disabilities*, California: Lausanne World Pulse Archives, in <http://www.lausanneworldpulse.com/themedarticles-php/811/09-2007>, Issue:09-2007. Posted on December 14, 14:42 GMT. In this article, Tada affirmed that the Church can lead the way in transforming the plight most disabled people face by serving and becoming a loving, healing community to this population of people. Christians in cities and villages around the world can truly demonstrate the same compassion of Jesus Christ that he showed towards disabled people throughout the Gospels. How can the Church change its attitude towards people with disabilities? The answer is simple: It begins with you. This is how urgent it is that each one of us ought to change our perception and participate actively in uplifting the lives of our children with disabilities.

⁵⁷⁸ Pope Paul VI, (1967), *Populorum Progressio*, an Encyclical letter on the Development of Peoples, AAS 59,257-299. Article 49 affirms the notion of the divided world into two namely the rich and the poor nations, saying; ‘we must repeat that the superfluous goods of wealthier nations ought to be placed at the disposal of poorer nations. The rule, by which in times past those nearest us were to be helped in time of need, applies today to all the needy throughout the world.....’

⁵⁷⁹ Ibid.

⁵⁸⁰ Baillie, G., (2004), *Violence Unveiled: Humanity at the Crossroads*, New York: The Crossroad Publishing Company, 4.

⁵⁸¹ Ibid.

3.3. THE FUTILITY OF THE CONCEPT OF HUMAN DIGNITY

The concept of human dignity according to Shell and other scholars has been considered to be a vacuous concept a mere placeholder for varying ethical commitments and biases.⁵⁸² According to Shell, for the liberal and secular left, human dignity is generally associated with personal autonomy and expended individual choices while for the conservatives and religious right, it is generally associated with the sanctity of life and related limits on such choices.⁵⁸³ Kirchhoffer urged against the idea of completely dismissing the concept of human dignity as having no value to ethics in the contemporary world.⁵⁸⁴ He further affirmed that the futility of the concept has contributed to the decadence of human moral behaviour.⁵⁸⁵ The point is that the scholarship in this regard affirmed Kirchhoffer's idea of the decadence of moral behaviour that influences certain human acts, the reasoning behind it and the circumstances that surround the human act. We then assume that the moral decadence stipulated in Kirchhoffer's argument may be manifested in the cases of abandoning, dumping, and killing of children with disabilities in the region in question. In this regard, the process of establishing the futility of the concept, we will consider some of the important elements, namely the intention, which contains two possibilities: being morally bad or good and the act *per se* which may constitute a subjective moral judgement which may also be morally right or wrong. There is an understanding that those who may have been involved in the acts of abandoning, dumping, and killing of children with disabilities, might have been acting upon their personal autonomy because they have the right to make personal choices best suitable to their situation. The understanding would be that they had good reasons for acting the way they act especially in the cases that have been cited in the first chapter. To this note, we may also consider that the concept of human dignity is rather futile especially in cases related to children with disabilities. If we consider the liberal way of reasoning, then children with disabilities may not stand a chance to survive in some situations. In this case, the research ought to make a juridical claim that some government policies in such cases may seem to be inadequate to instil in its citizens that they ought to aim at achieving an objective moral good. For instance, children who are at risk of being

⁵⁸² Shell, S.M., (2008), *Kant's Concept of Human Dignity as a Researcher for Bioethics*, in *President's Council on Bioethics Journal*, Washington DC: Bioethics Commissions, 84-85.

⁵⁸³ Ibid. It is from that point of view that the concept of human dignity is futile. It cannot be applied the same by all and whichever side, it can validly be approved depending on the circumstances at hand. This what may cause some loop-holes on the usage of the concept in this matter of concern i.e. the plight of children with disabilities.

⁵⁸⁴ Kirchhoffer, D.G., (2013), *Human Dignity in Contemporary Ethics*, New York: Teneo Press, 2.

⁵⁸⁵ Ibid.

abandoned, dumped or killed are not protected by the legal structures.⁵⁸⁶ What is often highlighted is the traumatic experience of the mother of the child, the issue of poverty that makes most families unable to face the medical bills and the parent's rights, particularly the women's right to choose what is best for them in the case of the reality of having a child with disabilities.⁵⁸⁷ The claim of personal rights of the primary care giver may give little room for the inherent right to life of the child with disabilities. The circumstances within which the mother may be given preferences greater than the child with disabilities considering the liberal view that may put more emphasis on the rights of the mother may be disconcerting. Sometimes, it might be within such circumstances that some people might use for the justification of an evil act or morally bad act of abandoning, dumping, and killing of a child with disabilities. This is the point where the evaluation of the hermeneutical component of the concept of human dignity leads to negative moral implications. The question often asked is: whose dignity is preserved here? It is that there are no considerations left for the child with disabilities to be accounted? It might seem that the desire of the mother to live a dignified life takes precedence without a child with disabilities may take precedence hence it might become the reference point to approve the morality of abandoning, dumping, and killing the child with disabilities. It is in consideration of similar experiences that the concept of human dignity could be considered as futile, leading to wrong and bad moral choices. Some primary care givers like mothers with children with disabilities may use such an understanding in the justification for their acts. The present research makes a strong moral claim and points out some short-falls in the understanding of the concept of human dignity to that extent.

3.4. HUMAN DIGNITY AS A CONCEPT IN THE AFRICAN DEBATE

With regard to the existential reality concerning the situation of children with disabilities in Africa in general, the concept of human dignity too, has been heavily influenced by the actual perceptions of disabilities.⁵⁸⁸ On a positive note, the concept of human dignity in Africa is

⁵⁸⁶ Hodgson, T.F. and Khumalo, (2016), *Too Many Children Left Behind: Exclusion in the South African Inclusive Education System with Focus on the Umkhunyakude District, KwaZulu-Natal*, Durban: A Section 27 Report, Catalysts for Social Justice, 4-15.

⁵⁸⁷ Brady, K.T., Killeen, T. and Lucerini, S., (2000), *Comorbidity of Psychiatric Disorders and Posttraumatic Stress Disorder*, in *The Journal of Clinical Psychiatry*, New York: Physicians Postgraduate Press, Inc, Issue No. 61, Supplement 7, 22-32. The point in this article highlights the fact that sometimes the experience of the primary care givers i.e. the mother of the child with disabilities can be given more attention than the plight of the child with disabilities itself. Such a move may jeopardise the rights of the child with disabilities.

⁵⁸⁸ Munyi, C., (2012), *Past and Present Perceptions Towards Disability: A Historical Perspective*, in *Disability Studies Quarterly*, *The First Journal in the Field of Disability Studies*, Ohio: PKP Publications, Volume 36, Issue No. 4, 89. In this article, Munyi states that throughout Africa, persons with disabilities are hopeless and helpless. Unfortunately, most of these negative attitudes are mere misconceptions that stem from lack of proper

built on the philosophy of Ubuntu as means of achieving social justice.⁵⁸⁹ At the centre of the current academic debate on human dignity, lies the ethical and theological considerations on the subject matter, with special reference to children with disabilities. The reason for such a consideration is the fact that a human being is unique in reference to other created things such as plants, animals and the environment, with all that exists in it.⁵⁹⁰ The moral issues involved in such anthropocentric trend are based on the fact that the Church sees in every person the living image of God from whom they received an incomparable and alienable dignity.⁵⁹¹ Being in the image of God, the human person has a character that distinguishes him or her from other created things.⁵⁹²

The present work acknowledges the fact that each person is unique including children with disabilities and occupies a special place here on earth that demands special caring attention. Children with disabilities belong to the human family, intrinsically possessing gratuitous fundamental human value.⁵⁹³ The research considers such an affirmative statement as constituting the essence of human dignity. It therefore include the African notion of Ubuntu delineating an element of sympathy, compassion, harmony, mutual caring, justice, and love of children with disabilities.⁵⁹⁴ As observed above, the concept of human dignity is broad but, in the present discourse, we will take it as one of the major primary values inherent in any human person, recognizing his or her inherent dignity.⁵⁹⁵ Human dignity as a concept associated to the philosophy of Ubuntu is pivotal in the process of ordering relationships and guaranteeing the equilibrium and tranquillity of the human family in the face of extreme human life challenges as experienced among families living with children with disabilities.

understanding of disabilities and how they affect functioning. To this effect, the concept of human dignity for children with disabilities could be said that it needs review.

⁵⁸⁹ Lefa, B.J., (2015), *The African Philosophy of Ubuntu in South African Education*, A Dissertation presented at the Faculty of Education and Social Sciences, Cape Peninsula university of Technology, Studies in Philosophy and Education, Cape Peninsula: Human Science Research Council, 4-10. Ubuntu in the South African context or society is the act of being human, caring, sympathy, empathy, forgiveness, or any value of humanness towards others. It is from this perspective that we want to understand the concept of human dignity in an African point of view in relation to children with disabilities.

⁵⁹⁰ Ibid.

⁵⁹¹ Pontifical Council for Justice and Peace, (2004), *Compendium of the Social Doctrine of the Church*, Nairobi: Pauline Publications, Art. No. 105. From the quote, the human person has two different characteristics namely: A person is a material being linked to this world by his or her body and he or she is also a spiritual being open to transcendence and the discovery of more penetrating truths through his or her intellect by which he or she shares in the light of the divine mind.

⁵⁹² Ibid.

⁵⁹³ Ibid.

⁵⁹⁴ Lefa, B.J., (2015), *The African Philosophy of Ubuntu in South African Education*, A Dissertation presented at the Faculty of Education and Social Sciences, Cape Peninsula university of Technology, Studies in Philosophy and Education, Cape Peninsula: Human Science Research Council, 4-10.

⁵⁹⁵ Ibid. In the context of South Africa, human dignity as a concept will be tied closely the philosophy of Ubuntu, giving an opening for the respect of children with disabilities.

In Africa, as well as in the various schools of thought, human dignity as a concept has captured unique attention in the academic field.⁵⁹⁶ Glensy affirmed the above premise when he said that such academic debates on the concept of human dignity are bound to have widespread social ramifications, particularly here in Africa, with reference to children with disabilities.⁵⁹⁷ Donnelly, in “Human Rights versus Human Dignity: The African Debate”, clearly expressed the idea that the physical and psychic security of group membership is the basis for the African model of justice.⁵⁹⁸ A claim against this group would threaten the dignity of both: the community as well as that of the individual whose identity is defined within it.⁵⁹⁹ Despite the reservations cited by Donnelly, the understanding of human dignity in the African context has a lot to do with the community mentality out of which one can gain or lose dignity especially when it is applied to children with disabilities.⁶⁰⁰ This notion of human dignity cuts across all cultures in Africa though when related to children with disabilities, due to different cultural beliefs, it can be applied and understood differently.⁶⁰¹ Therefore the concept of human dignity in an African perspective, it can assume varying levels though what is common is the philosophy of Ubuntu that unites Africans as a block of people with a similar identity. To this effect, it may be obvious that if someone is categorised by the community as a non-being, he or she stands the risk of being abandoned, dumped, or even killed. This could be a retrogression of African philosophy of Ubuntu from a critical academic point of view.

⁵⁹⁶ Jordaan, D.W., (2009), *Autonomy as an Element of Human Dignity in South African Case Law*, in *The Journal of Philosophy, Science and Law*, Volume 9, September 8, Pretoria: Sylvean Biotech (Pty) Ltd, 1-10. Human Dignity is explicitly protected in the South African Constitution and has been the subject of increased analysis by the Constitutional Court. As enshrined in the South African Constitution, Human Dignity denotes specific species of dignity that is perceived as the objective value inherent to all humans.

⁵⁹⁷ Glensy, R.D., (2011), *The Right to Dignity: Different Theoretical Understandings of Dignity Rights*, in *Columbia Human Rights Law Review*, 43:65, 66-84.

⁵⁹⁸ Donnelly, J., (1982), *Human Rights and Human Dignity: An Analytic Critique of Non-Western Conceptions of human Rights*, in *76 American Political Review* 303, New York: No. 2, June, 308.

⁵⁹⁹ Ibid. Per Donnelly, the idea of promoting human dignity has considerable appeal since human life is given some distinctive weight over other animals in most societies precisely because we can cultivate the quality of our lives. Unfortunately, the promotion of dignity may well provide an unstable foundation for the construction of universal moral standards. The inherent weakness of this approach lies in trying to identify the nature of dignity. To this effect, Donnelly unwittingly reveals this shortcoming in expanding upon the deliberate human action that creates human rights. He therefore concludes that human dignity as a concept is elastic and the substance given to it is very much a moral choice.

⁶⁰⁰ Lefa, B.J., (2015), *The African Philosophy of Ubuntu in South African Education*, A Dissertation presented at the Faculty of Education and Social Sciences, Cape Peninsula university of Technology, Studies in Philosophy and Education, Cape Peninsula: Human Science Research Council, 4-10.

⁶⁰¹ Ibid.

3.5. USAGE OF ETHICAL CONCEPTS OF HUMAN DIGNITY AND APPROACHES TO THE EXISTENTIAL PROBLEM

3.5.1. HUMAN DIGNITY AS RIGHTS

The concept of human dignity has strongly been associated and linked to the issue of justice, whereby a person claims to have rights.⁶⁰² Human dignity as a right is directly linked to human laws and international charters on rights and duties of a person.⁶⁰³ It has further entered into the domain of bioethics, with special emphasis on the promotion and affirmation of human life.⁶⁰⁴ Gottschalk, in his work on political philosophy in Africa, stated that a number of pre-colonial societies in Africa had legal norms, that is, the norms based on the principle of the presumption of someone's innocence and a marked preoccupation with the right to life that could only be abrogated in the case of manslaughter and deliberate murder only after a long judicial review of the case in question.⁶⁰⁵ There is a clear scholarly observation that the laws on human rights acted as beacons for the preservation and promotion of a person's dignity.

In Africa in general we have a unique concept of rights.⁶⁰⁶ Though the basic principle of human rights is that of being universal in their very nature, in the African context one can still claim individual human rights.⁶⁰⁷ In Africa, human rights have a communitarian

⁶⁰² Vatican Council II, (1965), *Gaudium et Spes: A Pastoral Constitution on the Church in the Modern World*, 7th December, Article 27 entitled 'Respect for the Human Person' says: 'Everyone should look upon his neighbor without exception as another self, and lists as crimes: all offenses against life itself such as murder, genocide, abortion, euthanasia and willful suicide, all violations of the integrity of the human person, such as mutilation, physical and mental torture, undue psychological pressures; all offenses against human dignity, such as subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution, the selling of women and children, degrading working conditions where men and women are treated as mere tools for profit rather than free and responsible persons; all these things and the like are criminal, they poison civilization and they debase the perpetrators more than the victims and militate against the honor of the creator. In this article, there is a strong appeal to justice as means to achieve human dignity.

⁶⁰³ United Nations, (1948), *Universal Declaration of Human Rights*, Article Nos. 1-3.

⁶⁰⁴ Frontiers of Justice, (2008), *Disability, Nationality, Species Membership, in Human Dignity and Bioethics: Essays Commissioned by the President's Council on Bioethics*, Washington DC: Government Printer, 351-380.

⁶⁰⁵ Mutua M., (2002), *The Complexity of Universalism in Human Rights*, A Lecture delivered at 10th Annual Conference on Individual vs. the State Central European University, Budapest, 14-16 June. On-Line: www.ceu.hu/legal/indiv_vs_state/Mutuapaper_2002.htm.

⁶⁰⁶ Gawanas, B., (2000), *The African Union: Concepts and Implementation Mechanisms Relating to Human Rights*, in <http://www.kas.de/upload/auslandshomepage.namibia/Human-Rights-in-Africa/6-Gawanas>. 135. Posted on December 14, 23:20 GMT. The AU in contrast to the OAU, made human rights an explicit part of its mandate as embodied in its Constitutive Act and mainstream human rights in all its activities and programmes. In Africa, the human rights discourse cannot be divorced from its historical context or the prevailing political, social, economic, and cultural conditions on the continent particularly when it is understood that the struggle for human rights and the establishment of a human rights system are products of a concrete social struggle.

⁶⁰⁷ Ibid.

component, by which human rights are claimed within the communitarian value of the individual person, who belongs to the community.⁶⁰⁸ Human rights are thus acknowledged and dominated by community thinking.⁶⁰⁹ To this effect, the enforcement of human claims involves the individual person and the community. It is therefore important that a model that is responsive to the African communitarianism be adopted. Rwiza highlighted three theories pertaining to human rights: rights as a claim, rights as entitlement or interest and rights as trumps.⁶¹⁰ Rights as trumps have a special normative force, because they provide a particularly powerful or weighty reason which overrides other considerations.⁶¹¹ Rights in this case permit their holders to act in a certain way or give reasons to treat their holders in a certain way, even if some social aim would be served by doing otherwise.⁶¹² From the above discussion, we recognize that some rights have higher priority than others. In consideration of this understanding, children with disabilities ought to have the absolute right not to be made victims of any sort of homicidal acts or tendencies. It would then be understood that human dignity would be something higher and deeper than mere precepts of the state. To this effect, it i.e. human dignity as a concept, could be regarded as something that is inherent in every person.⁶¹³ Such an academic view of human dignity led to the development of an egalitarian view of human rights⁶¹⁴. Lindner, in her work on the concept of human dignity as a right, adopted the Kantian version, which states that equal dignity means that, although one is poor, he or she can have full dignity.⁶¹⁵ However, what is necessary for the person in particular in the African context is the societal framework, societal structures and societal norms that give someone political rights.⁶¹⁶ Egalitarianism is defined as impartiality, equal shares to all, equal shares to equals, proportional equality, unequal shares corresponding to relevant differences and to give to each according to his

⁶⁰⁸ Rwiza, N.R., (2010), *Ethics of Human Rights: African Perspective*, Nairobi: CUEA Press, 156.

⁶⁰⁹ Ibid.

⁶¹⁰ Ibid. 4-8. Right as a claim is understood to facilitate a link between rights and duties. Rights are conceived as rights to – as in the case of the right to life, freedom, and happiness and not as rights against.

⁶¹¹ Anderson, A.K., (2013), *Choices, Interests, and Potentiality: What Distinguishes Bearers of Rights?* In *Journal of Value Inquiry*, Stanford: Stanford University Press, Vol. 47, 175-190.

⁶¹² Ibid.

⁶¹³ Pontifical Council for Justice and Peace, (2004), *Compendium of the Social Doctrine of the Church*, Nairobi: Pauline's Publications Africa, Article 132, 72.

⁶¹⁴ Buchanan, A., (2005), *Equality and Human Rights, 4 Politics, Philosophy and Economics*, New York: McGraw-Hill, 69-90.

⁶¹⁵ Lindner, E.G., (2006), *The Concept of Human Dignity* in www.humiliationstudies.org. See also *World Conference on Racism, Racial Discrimination, Xenophobia, and Related Intolerance* in Durban (South Africa) 31st August to 7th September, 2001.

⁶¹⁶ Ibid.

needs, which implies the realisation of equal dignity for all.⁶¹⁷ With reference to the current existential reality in the region regarding children with disabilities, there is some sort of a great deal of regression. We note a gap between the theory of egalitarianism and practice on a regular basis especially regarding the call for equal dignity and equal basic human rights seems to be much empty rhetoric.⁶¹⁸ Children with physical and mental disabilities remain one of the vulnerable group of people in the region. Lindner added that people in the country seem to live in an undignified and ramshackle global village, where millions live in abject poverty.⁶¹⁹ To a certain degree, a good number of people in KwaZulu-Natal are struggling and they live in conditions that violate the very nature of human dignity.⁶²⁰ One of the key facets of 21st century democracy, according to Carozza, is the primary importance given to the protection of human rights.⁶²¹ Carozza understood human dignity as the expression of a basic value accepted in the broad sense and constituting the first cornerstone in the edifice of human rights.⁶²² We can then see a fundamental value in the notion of human dignity and how it raises the ethical questions on human rights. Carmi affirmed the stipulated notion of human dignity as pivotal rights deeply rooted in any notion of justice, fairness, and society's basic right.⁶²³ Human dignity, understood as rights, has revolutionized the universe to the extent that, in the realm of law and order in society, there is an appeal to human rights in all sectors of life.⁶²⁴ In this case, the research directly affirms that human rights are regarded as pillars, safe-guarding, and promoting the concept of human dignity. There is then a deep sense of the affirmation of the core value of the person including children with disabilities and regarding the current discourse, this could be called the concept of human dignity. The International Covenant on Civil and Political Rights affirmed that rights contained in their charter were derived from the inherent dignity of the human person.⁶²⁵ Such conventions,

⁶¹⁷ Oppenheim, F.E., (1972), *The Concept of Equality: Traditional Criteria of Egalitarianism* in Sills, D.L., (Ed), (2000). *International Encyclopedia of the Social Sciences*, New York: The Macmillan Company & The Free Press, Vol. 5, 103-104.

⁶¹⁸ <http://www.humiliationstudies.org>. See also Evelin Gerda Lindner (2001), *The Concept of human Dignity*, presented at the *World Conference on Racism, Racial Discrimination, Xenophobia, and Related Intolerance* in Durban (South Africa) 31st August to 7th September.

⁶¹⁹ Ibid.

⁶²⁰ Statistics South Africa, (2014), *Poverty Trends in South Africa: An Examination of Absolute Poverty Between 2006 and 2011*, Pretoria: Statistics South Africa, 25-47.

⁶²¹ Carozza, P.G., (2003), *Subsidiarity as a Structural Principle of International Human Rights Law* in *Columbia Human Rights Law Review*, 97 Am J. Int'l L. 38,46.

⁶²² Ibid.

⁶²³ Carmi, G.E., (2007), *Dignity – The Enemy from Within: A Theoretical and Comparative Analysis of Human Dignity as a Free Speech Justification*, 9U. Pa. J. Const. Law, 957-966.

⁶²⁴ Eleanor, S. (Ed), (2005), *The Role and Effectiveness of Disability Legislation in South Africa*, Pretoria: Disability Knowledge and Research, 17-30.

⁶²⁵ Schachter, O., (1983), *Human Dignity as a Normative Concept* in the *American Journal of International Law*, New York: 77 AJIL 848, October Issue. The journal quoted the Charter for Human United Nations,

according to Schachter, proclaimed that the recognition of the inherent dignity and equal and alienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.⁶²⁶ It follows, then, that when someone wants to know the rights of an individual person, there is need for an introspection of one's own inherent dignity that is necessary for protection and promotion of human life.

3.5.1.1. SETBACKS WITH THE CONCEPT

From the above discussion and exploration of human dignity as rights, we acknowledge the gap between what is stated in the Constitution of the nation and in the various human rights' charters or conventions and the practice on the ground. In consideration to what is now given in the first chapter, we understand the plight of children with disabilities as something real in the region despite the stipulations of the various legal, social, religious, and political declarations regarding the rights of children with disabilities. By not acting on the laws relating to children with disabilities is tantamount to the escalation of violence and child abuses. We are then inclined to state that any level of negligence on the implementation of policies and laws would frustrate the aspirations and the intended goals of human right charters. The above sentimental argument is expressed in Soobramoney's case in Durban, South Africa, citing a clear indication of sabotage and violation of a basic right to life.⁶²⁷ In this context, the court's pronouncement on social rights affirmed their integral connection to human dignity, freedom and equality.⁶²⁸ The fact that there are limited resources in the medical field does not justify the denial of someone's basic right to life.⁶²⁹ Institutions like the health sector ought to have given or allocated the patient other dialysis treatment in order to ensure that his or her inherent right to life is safe-guarded. Unfortunately, the situation in this regard is contrary to the holistic understanding of human dignity as a right particularly when it comes to complicated cases involving children with disabilities.

The research acknowledged that in the current dispensation of human rights in the region, there is limited emphasis on the concept of human dignity; rather what is often articulated

Charter for Human Rights, Article 1: Universal Declaration on Human Rights which states that all human beings are born free and equal in dignity and rights.....

⁶²⁶ Ibid. 2.

⁶²⁷ Soobramoney suffered from a combination of serious ailments rendering his condition irreversible, there was treatment that could prolong his life and not necessarily to cure him. Due to shortage of the dialysis treatment for patients of that severity, the medical institution denied the patient of the treatment because his situation was unredeemable and granted other patients whose situation could be reversed. The case went into court: Soobramoney vs. Minister of Health, KwaZulu-Natal, 1997 (12) BCLR 1696 (CC), South Africa.

⁶²⁸ Ibid.

⁶²⁹ Ibid.

clearly in the public arena is the claim of one's rights.⁶³⁰ One of the predominant set back of the concept of human dignity as rights is that there is too much emphasis on one's rights, rather than on one's duties. In this case, we refer to the duties of primary care givers and mothers of children with disabilities. The understanding is that mothers or families have the primary duty towards their children with disabilities. There is an understanding that some might have been evading their duties as parents hence risking the lives of children with disabilities. From the discussion above, human dignity as rights may remain as an ideological phenomenon which may have limited impact on people in society. The term "ideologies" in this regard implies a system of thought that claims to be true theoretically.⁶³¹ It involves modes of thinking and acting, systems of values, symbolic codes that give groups structural unity.⁶³² The present research firmly attributes the current human malaise to the lack of the implementation of the rights of children with disabilities hence they remain at the level of theory and not practice and at the expense of the inherent human dignity.

3.5.2. HUMAN DIGNITY AS FREEDOM

The Republic of South Africa is one, sovereign democratic state founded on the following values namely; that human dignity, the achievement of equality and the advancement of human rights and freedoms.⁶³³ The term freedom therefore is tied closely to the notion of human dignity, implying that in the dispensation of democracy, fundamental values ought to be affirmed and protected. In this case, in an open democratic society like South Africa, human dignity, equality, and freedom are alienable.⁶³⁴ Each of these values affirms the other value in the process of their implementation. In this process, the term "freedom", like the phrase "human dignity", has often been interpreted interchangeably. Negatively, freedom means being free from something, not being determined by a given principle of determination.⁶³⁵ In this sense, the subjective understanding of freedom would imply that

⁶³⁰ Department of Social Development, (2015), *Draft First Periodic Country Report on the United Nations Convention on the Rights of Persons with Disabilities, (UN CRPD)*, Pretoria: Government Gazette, No. 38802, May 18, NOTICE 445 OF 2015, 21, Article Nos. 8-10. Despite positive trends in participation rates and access to services, the intended outcomes for most persons with disabilities in South Africa have not been achieved within the set time frames and targets especially regarding education and employment. We the affirm the backlash on the services towards children with disabilities.

⁶³¹ Spera, S., (2000), *Ideology*, In Latourelle, R., Fisichella, R., (eds). *Dictionary of Fundamental Theology*, New York: The Crossroad Publishing Company, English Language Edition, 490-491.

⁶³² Ibid.

⁶³³ *Constitution of the Republic of South Africa*, Act 108 of 1996.

⁶³⁴ Ibid. Section Nos. 1, 7, 36, and 39.

⁶³⁵ Rahner, K., (1975), *On the General and Philosophical Notion of Freedom*, in *Encyclopedia of Theology: A Concise Sacramentum Mundi*, London: Burns & Oates, 534-535.

someone may not, in some circumstance, accept responsibility.⁶³⁶ The person would then refuse human relationships as means to forgo responsibility. Anything that comes with conditions attached has no space. Therefore, a person who assumes this negative view will isolate himself or herself from the demands of relationships, other beings, the laws that govern human life and will embrace a unique lifestyle that befits only his or her choices. Reaching such a state of understanding freedom would imply someone who is living a life of total freedom.⁶³⁷ Some scholars would consider this state of life as a dignified life.⁶³⁸ Such a notion brings about an understanding that someone may or may not be bothered by any internal or external demands of life. The person becomes the master of his or her own life. To this effect, the person may or may not have the potential to act in a way he or she likes. In circumstances of this nature, a person may possess the power to execute some plan of action that befits his or her choices with or without internal or external interference. Positive freedom is directly linked to what other scholars have called “Social Freedom”.⁶³⁹ According to Oppenheim, freedom designates empirically specifiable states of affairs accepted by anyone, regardless of his normative views on liberty.⁶⁴⁰ It implies that, within the reality of personal liberty to do what someone deems best, the person is still obliged to consider relational realities of life for the sake of peace and order.⁶⁴¹ It also means that the person is free to do whatever he or she wants as long as it does not counteract or impede another person’s choices.⁶⁴² The act is done freely in as much as one respects the relational interactions that would provoke and become the source of conflict. In this sense, we acknowledge the liberty of a person and the limitations that are associated with it. Someone is positively free, in-so-far as he or she is in possession of the self and honours the relationships within his or her surroundings. Karl Rahner stated that human freedom is neither merely negative and relative nor fully positive and absolute.⁶⁴³ To some extent, any person has, in a limited way, some dominion over himself or herself but, all-in-all, if he or she lives in society, sometimes someone may dependant on other beings to exercise his or

⁶³⁶ Younkins, E.W., (2000), *A Review of Chris Matthew Sciabarra’s Total Freedom: Towards a Dialectical Libertarianism*, in a *Journal on Rebirth of Reason: Capturing the Spirit*, in <http://www.rebirthofreason.com/articles/Younkins/A-Review-of-Chris-Matthew-Sciabarras-Total-Freedom-Toward-a-Dialectical-Libertarianism>, Pennsylvania: State University Press, Posted on 12/14, 6:57 am.

⁶³⁷ Ibid.

⁶³⁸ Ibid.

⁶³⁹ Oppenheim, F.E., (1972), *Freedom* in David L. Sills, (Ed), *International Encyclopedia of Social Sciences*, New York: The Macmillan Company & The Free Press, Vol. 5, 554-555.

⁶⁴⁰ Ibid.

⁶⁴¹ Ibid.

⁶⁴² Ibid.

⁶⁴³ Rahner, K., (Ed), (1975), *Encyclopedia of Theology: A Concise Sacramentum Mundi*, London: Burns & Oates, 534-535.

her faculties of life.⁶⁴⁴ As human beings, we ought to acknowledge the norms of society to which allegiance is paid. The idea behind positive freedom is to maintain and foster peace and order in the world. Only when every citizen of the earthly kingdom comes to acknowledge the above understanding, human dignity as freedom will have full meaning and be actualized in society.

3.5.2.1. POTENTIAL IMPLICATIONS OF THE CONCEPT

From the debate above, the research discovered that the term freedom, or the concept of freedom as Karl Rahner had put it, is an analogous one, giving the impression and reality that each person has the liberty to interpret it subjectively.⁶⁴⁵ The idea brings us to the fact that, though everyone would prefer to be free, the consensus on the definition itself is almost unsustainable. This possibility then renders an option that would not be dependable and realistic. The context of scholars failing to reach a genuine consensus over the objective definition of freedom implies that subjective views will always take precedence. The initial understanding was that if people are free to do whatever they want, if they pay attention to certain demands and values, then they could claim that they have achieved human dignity. If someone cannot achieve objective freedom then, human dignity as freedom is unrealistic as well. If someone has the liberty to abandon, dump or kill a child on the ground of his or her freedom to do whatever she wants, then the research would challenge such actions.

The existential reality in KwaZulu-Natal seem to point to some situation where personal choices seem to be given more priority than looking at an objective view of reality. This may be affirmed through the observation of the extent to which children with disabilities are taken care of. Human dignity as freedom implies that a child has the liberty to live his or her own life to the full, while the parents' subjective interests may block the realization of interests of a child with disabilities. Some parents might claim to have the freedom to choose what they want in life and hence, when faced with the birth of a child with disabilities, they may sometimes forgo the life of a child with disabilities considering the frustrations and aspirations related to it. Some of the parents may claim to have liberty to do away with a child with disabilities because the state of a child may not meet their interests. Human dignity as freedom can be fulfilling if understood objectively. Subjective inclinations to human dignity as freedom may be the source of a conflict of interests and may pose a serious threat to children with disabilities. In this sense, we may consider that the concept of human dignity

⁶⁴⁴ Ibid.

⁶⁴⁵ Ibid.

as freedom may not be a full reliable resource material. It may play a major role if attached to other facets and variables.

3.5.3. HUMAN DIGNITY AS RESPONSIBILITY

Responsibility is one of the words that is familiar in most moral discourses. Etymologically, the term responsibility comes from the Latin word “*respondere*”, which means to answer.⁶⁴⁶ The dictionary states that the meaning of the term “responsibility”, from the ethical point of view, implies accountability, indicating that the subject ought to be in a state of answering to one’s acts.⁶⁴⁷ On moral grounds, the term “responsibility” would imply moral liability, i.e. punishment or reward for acts carried out.⁶⁴⁸ The definition in this case draws us to take into account any human act, whether good or bad, and the agent of the act. If a person performs well and does something worthwhile, he or she, in return, must be praised for doing something good. The agent therefore claims responsibility for the good act.

On the other hand, if a person indulges himself or herself in immoral acts, then the same theory applies, the person ought to admit responsibility for the immoral act done, which may result in punishment being given by the legitimate authority. Therefore, any act performed by the agent may result in either punishment or reward given by the competent authority. Further to the above notion, there exists a deeper dimension of the meaning of the term, “responsibility”. The deeper sense of the term implies the recall of the practice of reliably performing one’s part in a common undertaking.⁶⁴⁹ In this sense, responsibility refers not merely to the conditions for immutability, but to the trustworthiness and dependability of the agent in some enterprise.⁶⁵⁰ When a person assumes responsibility in reference to the above notion, i.e. Jonsen’s view-point, it implies that the agent is fully trusted that he or she will be able to account for whatsoever has been put under his or her care or authority. The agent therefore participates in the execution of an act. Human dignity as responsibility therefore implies that all agents ought to share the common project of maintaining, promoting, and safeguarding human life, particularly the lives of the most vulnerable people in the society. It is from this perspective that human beings as agents may assume a common responsibility

⁶⁴⁶ Smith, W., (Ed), (1868), *Latin-English Dictionary*, London: William Clowes & Sons, 962-963.

⁶⁴⁷ Ibid.

⁶⁴⁸ Garrath, W., (2004), *Two Approaches to Moral Responsibility*, Richmond: Journal of Philosophy, in <http://www.utm.edu/research/iep>, Posted on December 15, 09:39 GMT. Moral responsibility in this case implies the ability to exercise deliberate sustained control of one’s conduct. It also implies a reasonable grasp of how actions impinge on others and how they are socially understood in terms of mutual moral expectations.

⁶⁴⁹ Jonsen, A.R., (1986), *The meaning of the term “Responsibility”* in Childress, J.F., and Macquarrie, J., (Eds), *The New Dictionary of Christian Ethics*, London: SCM Press Ltd, 546.

⁶⁵⁰ Ibid.

towards their children particularly children with disabilities. Under this premise, we have a calling to voluntarily take care of children with disabilities.

. Responsibility is also linked to one's intention and motive for doing an act and whether it is done deliberately or not.⁶⁵¹ This means that a given action might be classified as wrongful even in cases where we are not ready to hold the agent morally responsible, fully or even partly for having performed it.⁶⁵² For instance, the act of abandoning or dumping of children and deliberate killing of infants is a recent bioethical issue that has raised complicated moral questions may be deemed wrongful because of their consequences on children with disabilities.⁶⁵³ Parents, by virtue of having the capacity to bear children, automatically assume the responsibility of taking care of their children, regardless of the condition of their physical and mental status. Responsible parents consciously commit themselves to the parental task given to them and readily accept accountability for success and failure on their part.⁶⁵⁴ Therefore moral quality of their dignity as parents grows out of their unceasing commitment made. Nicolai Hartmann stated that the basic ethical capacity of any person in assuming the moral quality of the value and disvalue of her or his mode of action is what can be called responsibility.⁶⁵⁵ Human dignity as responsibility comes with one's accountability for the action done and one's commitment, demonstrating certain character that promotes and enhances relationships with other people and the environment. Human dignity understood as responsibility may form and inform one's character understood from the above discussion. In the context of the children with disabilities, the current concept of human dignity as responsibility has the potential to act as the one of the most dependable criteria and means of solving and resolving the current existential problem in the region.

3.5.3.1. POTENTIAL IMPLICATIONS OF THE STUDY

In consideration of what the concept of human dignity as a responsibility designates, it is one of those concepts that constitutes a higher level of human condition geared towards nurturing those who may be in need. It contains universal ethical standards that would promote and safeguard human life. Contrary to all the saintly delineations of the concept, the most significant element lies not in the concept as such, but in the agents, themselves. As agents, the existential reality has shown that many people, particularly those who are

⁶⁵¹ Edmundson, W.A., (2013), *Morality without Responsibility*, George: State University College of Law, in <http://www.poseidon01.ssrn.com>, Posted on December 15, 09:59 GMT.

⁶⁵² Ibid.

⁶⁵³ Ibid.

⁶⁵⁴ Ibid. 546.

⁶⁵⁵ Hartmann, N., (1999), *Ethics: Moral Values*, New York: Macmillan Publishers, Volume 2, 313-324.

challenged with the reality of living with children with disabilities may not have the potential capacity to take care of children with disabilities due to some other external factors. They may have the will to do so but if they lack facilities then it would not be possible. Some parents may not be ready to commit themselves to bring up a child with disabilities, due to various socio-cultural and political reasons as cited in the previous discussion in chapter two. Most parents may seem to be irresponsible to the high demands of parenthood, particularly in those moments when faced with the birth of children with disabilities. It is in this regard that the concept, no matter how good it may be, fails to meet the needs of children with disabilities. Due to several factors that incapacitate people at various levels to take care of children with disabilities enforces parents choose not to commit themselves to the task and to take responsibility.

Human dignity as responsibility, according to Niebuhr's response, constitutes interpretation of the demands made upon us in every decision-making situation.⁶⁵⁶ Our response to various situations anticipates the reactions of others and finally takes into account the givenness of our social solidarity, i.e. our membership in an interactive community of existence.⁶⁵⁷ The concept of human dignity as responsibility progresses fittingly in any context of situational sensitivity, as in the case under study. The concept, understood in the context of Niebuhr, calls for deontological, i.e. duty-centred, morality, considering the sensitivity of the situation in question.⁶⁵⁸ Unfortunately, the context in which people live and the circumstances that challenge them puts them off to taking the concept of human dignity as responsibility to the spirit of its letter. It thus remains an abstract concept aspiring to achieve high values that seem to be unsustainable in the ordinary rural settings of human life. The fact is that it does equip people with knowledge but on the practical level, it calls for more attention to be invested in other material factors without which it would be impossible to act to its spirit.

3.5.4. HUMAN DIGNITY AS EQUITY

The idea of human dignity as equity has its roots in the notion of justice.⁶⁵⁹ It is closely related to the notion of fair distribution of benefits from health and social development, as Mamdouh Gabr put it in his presentation entitled: "Health Ethics, Equity and Human

⁶⁵⁶ Niebuhr, R.H., (1963), *The Responsible Self*, in Joseph Fletcher, *Moral Responsibility: Situation Ethics at Work*, Philadelphia: The Westminster Press, 231.

⁶⁵⁷ Ibid.

⁶⁵⁸ Ibid.

⁶⁵⁹ Department of Public Information, (2008), *Human Rights Day: Dignity and Justice for All of Us, in the Universal Declaration of Human Rights: 1948-2008*, Geneva: UN Web Services, in <http://www.un.org/en/events/humanrightsday/2008/declaration.shtml>, Posted on December 15, 20:27 GMT.

Dignity.⁶⁶⁰ In consideration of the subject matter, i.e. children with disabilities can actualize their dignity as human beings if there is fair distribution of the resources available. The nature of children's status requires special attention and their condition makes them automatically qualify as beneficiaries of the available resources. By default, priority ought to be given to them. Based on the principles of justice, children with disabilities deserve what is due to them. Tillich once said, 'You are a person and you will remain a person, and you are hence-forth and forever to be treated by your fellows as a person'.⁶⁶¹ This is a quest for consideration which ought to be accorded to children with disabilities. The rules of social justice about children with disabilities call us to more concern and treatment.⁶⁶² We may all need equal treatment, but on a higher level, others i.e. children with disabilities may need more urgent treatment. Tillich's understanding of justice is rather different compared to the above notion of justice. He understood justice as two-fold: he says since I am a person like every person God has made, I therefore claim the right to be treated like every other person i.e. equally.⁶⁶³ This might be the ordinary sense of justice that we are all accustomed to and we always refer to it when things go wrong. We often tend to appeal to this notion of justice in matters and spheres of human life. Further to the above notion of justice, Tillich informs us of another form of justice which he called it equity by saying that since I am in my own person unique, distinguishable from all others, I claim the right to be treated as myself, unequally to others."⁶⁶⁴ This is what we could consider as justice at a higher level. The understanding is that we are all created by God and this creation is a complex one. It has taken different forms in each person. The treatment accorded to each one ought to be equal, but also different, due to the basic needs of a person. Emil Brunner stated that it is only by comprehending the order of creation as the basis of all justice that we can understand why both the humanity shared by all and the specific nature of the individual constitute a claim, a right which must be acknowledged and in acknowledgement of which justice consists.⁶⁶⁵ To this note there exists a strong emphasis on the specific nature of the individual which claims a unique acknowledgement. Children with disabilities may belong to this category. They require special social and medical attention, different from the ordinary. Their claim is

⁶⁶⁰ Gabr, M., (2012), Professor of Pediatrics, Faculty of Medicine, *Paper Presentation on Health Ethics, Equity and Human Dignity* at Cairo University, Egypt. 2.

⁶⁶¹ Tillich, P., (1960), *Love, Power and Justice*, New York: Oxford University Press, 78.

⁶⁶² Montano, F., (2016), *Social Justice and Family Policy: Children with Disabilities*, in <http://www.linkedin.com/pulse/social-justice-family-policy-children-disabilities-franklin-montano>, Posted on December 15, 20:44 GMT.

⁶⁶³ Tillich, P., (1960), *Love, Power and Justice*, New York: Oxford University Press, 78.

⁶⁶⁴ Ibid.

⁶⁶⁵ Brunner, E., (1945), *Justice and the Social Order*, New York: Harper and Brothers, 50.

grounded on the divine call to love which raises our response to this call.⁶⁶⁶ Importance ought to be given to the need to be aware of how to make a balance on how we execute the demands of justice.

The present research gave priority to the second option, i.e. justice as equity. Regarding children with disabilities, the concept of human dignity as equity fits very well to resolve the problem and therefore requires an ethical review, about other concepts given above. As Mamdouh Gabr puts it, justice as equity is one of the major issues that require all systems in the religious and government sectors to take seriously, to solve the problem of inequalities among people.⁶⁶⁷ There is a need to realise that we are living in a complex world, with millions of advances in the fields of medicine, bio-sciences, and bio-technologies, which have brought about serious bio-ethical questions that still need research. The concept of human dignity as equity could be one of the new ethical approaches to the current dilemma facing some of the families in KwaZulu-Natal who are living with children with disabilities. This could be one of our human efforts to discover and justify some of our actions towards these infants. We ought to raise awareness among people concerning the plight of children with disabilities in the region. We consider that the concept of human dignity as equity may be pivotal in keeping the scale of justice balanced against the weight of absolutistic collectivism.⁶⁶⁸

3.5.4.1. CRITICAL ANALYSIS OF THE CONCEPT

The idea of human dignity as equity ought to have an evolutionary progression of the principles of justice, moving from equality to equity.⁶⁶⁹ It is more understanding justice and might be one of the best concepts that would consider the dilemma that exists which most families face when they are burdened with the birth of a child with disabilities. Unfortunately, the understanding of justice as equity also poses a serious challenge. Specific decisions regarding the plight of children with disabilities in some cases over-look the concept, due to various medical limitations and health care infrastructures that could best be suited to deal with the existential problem at hand. It is often difficult to determine who is

⁶⁶⁶ *The Catechism of the Catholic Church*, (2004), Article Nos. 1934-1938.

⁶⁶⁷ Gabr, M., (2012), *Paper Presentation on Health Ethics, Equity, and Human Dignity* at Cairo University. Egypt.

⁶⁶⁸ Stob, H., (1978), *Ethical Reflections: Essays on Moral Themes*, Michigan: William B. Eerdmans Publishing Co., 133.

⁶⁶⁹ Montano, F., (2016), *Social Justice and Family Policy: Children with Disabilities*, in <http://www.linkedin.com/pulse/social-justice-family-policy-children-disabilities-franklin-montano>, Posted on December 15, 20:44 GMT.

the most vulnerable group of people that may require to be given priority. For instance, Gabr asked:

“Who are the sick people? Are they those who are the most socially deprived or is it a certain group of people such as children with challenges? Are they those who exhibit congenital disabilities or those who are deaf whose inherent vulnerability renders them powerless?”⁶⁷⁰

There is a serious problem with how to gauge equity especially in the context of other existing socio-economic and cultural challenges. This brings about other complications regarding the determination of health care services and the beneficiaries.

On another level, the concept of human dignity as equity may create another problem, i.e. the various forms of biases that might result in social divisions and hatred. The concept may leave us with another dilemma, how do we consider the needs of the most vulnerable people in society without overlooking the other basic needs of the community at large, in view of the limited resources available? The present research acknowledged the positive progress of the different concepts and, at the same time, realised the limitations associated with each concept so far studied.

3.5.5. HUMAN DIGNITY AS NATURAL LAW

The notion of natural law constitutes two terms, ‘nature’ and ‘the law derived from nature’.⁶⁷¹ By definition, natural law implies the unwritten laws which have a higher moral claim on humanity.⁶⁷² Natural law, defined in terms of human dignity, is the participation in God’s wisdom and goodness by human beings who are formed in the image and likeness of God the creator.⁶⁷³ It expresses the dignity of the human being forming the basis of his or her fundamental rights and duties.⁶⁷⁴ Natural law is quite contrary to the ordinary written laws of the state or institution of any kind. It is rooted in the various notions of the cosmic order, in relation to the place of the human person in nature.⁶⁷⁵ Natural law viewed from the Stoic philosophy suggested that it has its roots in the divine convention instituted by the

⁶⁷⁰ Gabr, M., (2012), Professor at the School of Medicine, A Paper Presentation at the University of Cairo in Egypt on *Health Ethics, Equity, and Human Dignity*.

⁶⁷¹ Finnis, J., (2011), *Natural Law and Natural Rights*, Oxford: Clarendon Press, 2nd Edition, 2-4. In this case, natural is predicated of something only when and because that of which it is predicated is in line with reason, practical reason.

⁶⁷² Hughes, G.J., (1986), *Natural Law*, in Childress, J.F., and Macquarries, J., (Eds), *A New Dictionary of Christian Ethics*, London: SCM Press Ltd, 412-413.

⁶⁷³ *The Catechism of the Catholic Church*, (1994), *Human Dignity as Natural Law*, Nairobi: Pauline Publications Africa, Art. No. 1978.

⁶⁷⁴ *Ibid.*

⁶⁷⁵ *Ibid.*

Supreme Being, who is God.⁶⁷⁶ Natural law seeks to understand morality in terms of relationships between the agent, prescriptions of nature and the objective obligations related to it.⁶⁷⁷

The human person in this context, realises the finiteness of her or his nature and looks forward to a higher authority to achieve order and a sound relationship with other beings and the environment. The move in this direction by default pushes him or her to realise the demands of other beings like children with disabilities. The human person in this case, also makes an appeal to the conscience, which is the inner powerhouse that helps someone to make decisions and choices.⁶⁷⁸ Aquinas said,

“By using our capacity to reason and reflect on our human nature, we discover the specific ends towards which we naturally tend to incline, such as to live, to reproduce, to acquire knowledge, to have a role in an ordered society. and the general end for which God created us, to achieve good and avoid evil, pain, and suffering.”⁶⁷⁹

The very nature of natural law compels us to certain directives which are binding to all humanity and create a certain kind of relationship i.e. the creator of us all and ourselves; the relationships amongst ourselves; the relationship with the environment where we exist.⁶⁸⁰

Regarding the above discussion, this reality objectively compels us to have a unique view, where we as human beings may be able to acknowledge our place as being lower than the creator. Our natural inclinations may give us an orientation on how to conduct ourselves before the creator, between and amongst ourselves and with the environment. To this effect, we may have an insight into how we could best treat children with disabilities based on the notion and ascriptions of natural law. Each person, through the faculty of reasoning, may constitute the capacity to possess natural law and how to use it for our own good and at the same time, for the good of children with disabilities. The Church has always taken up a protective attitude, maintaining that there is a true natural law and moral duties derived from the nature of mankind which are knowable by human reason, at least in their fundamental

⁶⁷⁶ Haakonssen, K., (2001), *Natural Law* in Becker, L.C., and Becker, C.B., (Eds), *Encyclopedia of Ethics*, Second Edition, Vol. II, New York: Routledge Publishers, 1206.

⁶⁷⁷ Ibid.

⁶⁷⁸ Rwiza, R.N., (2001), *Formation of Christian Conscience in Modern Africa*, Nairobi: Paulines Publications Africa, 46-48. In this quotation, St. Thomas Aquinas defined conscience as the subjective norm of morality.

⁶⁷⁹ Hughes, G.J., (1986), *Natural Law*, in Childress, J.F., and Macquarrie, J., (Eds), *A New Dictionary of Christian Ethics*, London: SCM Press Ltd, 413.

⁶⁸⁰ Magee, J.M., (2013), *St. Thomas Aquinas on the Natural Law*, in <http://www.aquinasonline.com/topics/natlaw.html>, Thomistic Philosophy Page, Posted on February 05,10:52 GMT.

structures.⁶⁸¹ The Church further affirmed this claim because the primary theological justification of natural law rests on the doctrine of creation, which states that God created human nature and human reason, so that human reason can discover how best human beings should act by reflecting on their own nature.⁶⁸² What we discover is that natural law is linked directly to natural norms and precepts, which may give guidance and direction authoritatively to morality. As human beings, we find moral and ethical values naturally instituted in our intellectual faculty, which prompt us to act in a way that we achieve the objective good.⁶⁸³ Natural law therefore may act as the basis of our actions. While we attempt to achieve the subjective good, we acknowledge the needs of other beings i.e. children with disabilities. In the context of the formation of our morality towards others (children with disabilities), natural principles of doing good and avoiding pain may compel us to consider even further, the needs of children with disabilities who are less privileged than we are.⁶⁸⁴ In this case, natural law informs us to take care of children with disabilities. In this regard, violence against children with disabilities may bring about certain ethical questions related to human dignity in the domain of morality. Violence vented on children with disabilities may question our moral capacity to reason, which is one of the major faculties of natural law.⁶⁸⁵ The concept of human dignity as natural law goes far beyond the reality of creation as it has its origin in the creator who made us in his image and likeness.⁶⁸⁶ Human identity and dignity rests on the creator, who revealed himself through his own creation.⁶⁸⁷ We therefore realise that each person, viewed from the perspective of natural law, is endowed with a unique and inalienable dignity. The variations in terms of physical and mental status are simply accidentals that cannot take away the identity and dignity of someone as a person. In consideration to the current discourse, human dignity is therefore a non-negotiable reality as it claims its origin from the creator. In this perspective, dignity is about responsibility and about rights and that our very dignity as human beings call forth and demands a response on

⁶⁸¹ Grundel, J., (1975), *Natural Law* in Rahner, K., (Ed), *Encyclopedia of Theology: A Concise Sacramentum Mundi*, London: Burns and Oates, 1022.

⁶⁸² Curran, C.E., (1997), *Natural Law*, in Clarck, P.B. and Linzey, A., (Eds), *Dictionary of Ethics, Theology and Society*, London: Routledge Publishers, 595.

⁶⁸³ *Ibid.*

⁶⁸⁴ *Ibid.*

⁶⁸⁵ *Ibid.*

⁶⁸⁶ *The Catechism of the Catholic Church*, (1994), *Human Dignity as Natural Law*, Nairobi: Pauline Publications Africa, Art. No. 1978.

⁶⁸⁷ *Ibid.*

our part, to ensure that our relationships with others and with nature itself are right, responsible, and just.⁶⁸⁸

3.5.5.1. HOW BEST CAN IT AFFIRM OR BETRAY HUMAN LIFE

The concept of human dignity as natural law is basically a unique way of looking at reality based on the perspectives some of our religious beliefs, with special emphasis on the natural theory.⁶⁸⁹ It brings about a unique morality, centred on the person, which is called a morality of love.⁶⁹⁰ What is more affirming in such a morality is the passion for the promotion of one's dignity which may, in the process, lead to the humanisation of the society.⁶⁹¹ One of the setbacks of the concept of human dignity as natural law is not, or does not, lie in the concept as such, rather in the source or agent who promotes it, in this case, the Church. The Church seems to hold on to certain belief systems that she claims authority over issues of faith and morality⁶⁹². What we observe is that there is some sort of internal and external reservation against Church-centred morality. People tend to opt out of the burden laid upon them by Church rules on morality that are grounded in natural law. What we often notice is the disillusionment of the people, in general, that is enhanced by the rigidity of the faith-based traditions on moral issues.

The concept itself seems to be good, but the audience seem to be opposed to the concept, because of the agent that advocates it and imposes it on the people. Unfortunately, when the Church addresses such issues, it does not only focus on its members, but rather on the idea that, as a mother Church, it claims to have the authority to teach everybody on all matters of faith and morals.⁶⁹³ People of other faiths and other Christian churches may not accept this reality claimed by the main-line Church tradition, since it makes the realization of the concept more complex and unrealistic. We are living in a world that does not favour authoritative rules and norms on issues of morality, but the human community is more

⁶⁸⁸ Healy, S., Reynolds, B., and Jordan, T., (Eds), (2005), *Human Dignity and Spirituality in a Globalized World: Encountering and Promoting Human Dignity*, Dublin: Dominican Publications, The Leinster Leader, Naas, Co., 51.

⁶⁸⁹ Mac Namara, V., (2001), *Theological Ethics and the Contemporary Culture*, in *Theological Journal: Doctrine and Life*, Vol. 51, May/June Issue No. 5, Dublin: Leinster Leader Ltd, 268.

⁶⁹⁰ *Ibid.*

⁶⁹¹ *Ibid.*

⁶⁹² Flannery, A., (Ed), (2010), *Mysterium Ecclesiae, Declaration in Defence of the Catholic Doctrine on the Church Against some Present-Day Errors*, in *Vatican Council II, Conciliar Documents*, Volume 2, 453-357. On the infallibility of the Church's Magisterium, the Conciliar document i.e. 'Mysterium Ecclesiae' starts by saying that Jesus Christ from whom derives the task proper to the pastors of teaching in the Gospel to all his people and the entire human family, wished to endow the pastors' Magisterium with a fitting charism of infallibility in matters regarding faith and morals.

⁶⁹³ *Ibid.*

inclined to move towards plurality, a contextual approach to life and the assimilation of the various methods of doing things. Natural law theories on moral issues may not be binding in the current world settings, as perceived by faith-based traditions. To this effect, the concept of human dignity as natural law has limited chances of making an impact on society in the contemporary world. It could therefore tend not to be so helpful regarding children with disabilities as it might even ignite certain sentiments associated with certain faith-based traditions.

3.6. MORAL EVALUATIONS ON ETHICAL CONCEPTS OF HUMAN DIGNITY

Having looked at the ambiguity and irregularity in the understanding and application of the concept of human dignity, we can suggest that certain decisions people have made in life in relation to children with disabilities were based on irrational judgements executed to the detriment of the inherent right to life of the children. Certain ethical judgements might have been based on subjective motives and interests. To this note, caution needs to be taken into consideration when dealing with issues of making life-threatening judgements, especially those decisions made on behalf of someone who is completely incapable of making his or her own choices. Children with disabilities sometimes do not comprehend reality as other human beings do, since there is an element of sterility in the growth of certain human faculties that prevent them from acting in a normal way.⁶⁹⁴ The physiological condition of the child ought not to be a reason to deny him or her human identity. The point here is to raise the claim of ethical judgements that people make in the context of these children. As the real-life situation, has shown, some people tend to make use of subjective reasoning to come up with certain judgements that later are executed without knowing that they are inflicting enormous pain on someone who cannot express the degree of pain that is being forced on him or her. Testimonies of subjective reasoning may not be dependable, because they are subject to various external forces and influences. Families and mothers in the region may be overwhelmed by the external influences, to the point that whatever decision they make, finally it may not be their own decision. To this effect, some people may tend to put the blame on the circumstances as a scape goat. Unfortunately, circumstances objectified in this sense are not capable of taking responsibility. What is noted is that there is constant violation of the rights of children with disabilities done in the name of circumstances enforced at a moment. We may assume that some people might have been making certain

⁶⁹⁴ Currie, J. and Kahn, R., (2012), *Children with Disabilities: Introducing the Issue*, in *The Future of Children Journal*, Volume 22, No. 1, Springs: Princeton Brookings, 19-30.

evaluations based purely on subjective reasoning without considering certain factors that may be crucial to the matter in question. One of the analytic positivists thoughts states that when people disagree about the value of something, i.e. one saying that it is good or right and another saying that it is bad or wrong, by what method of argument or inquiry can their disagreement be resolved?⁶⁹⁵ Can it be resolved by the method of empirical science alone, or does it require methods of some other kind, or has it no rational solution at all?⁶⁹⁶ The same question may logically be applied in our current discussion regarding the fate of children with disabilities when related to the concept of human dignity. There is a strong disagreement among various scholars regarding the concept of human dignity and what we could call a dignified life, worthy of living.⁶⁹⁷ Our current discourse on children with disabilities, we will appeal and make use of the concept of human dignity i.e. a theological interpretation of human dignity, employing theological concepts such as the image of God, preferential option of the poor, in this case, children with disabilities, the commandment of love and the rational nature of being human. Unfortunately, in some instances, the perpetrators of child abuse, in this case, those who abandon, dump and kill children with disabilities seem to embrace a different view of human dignity. Whatever justification they might have, their actions stand to be scrutinized and be challenged. Conclusions have been drawn that some have opted to approve the killing of children with disabilities. The dynamics of the concept of human dignity as related to their conclusions in this case, the abandoning, dumping and killing of children with disabilities seem to be in sharp contrast to the concept of human dignity as a theological reflection employed in this discourse. In view of the vagueness and bleariness of the concept of human dignity, some women or primary care givers have opted for a secular notion which considers the life of children with disabilities as a life not worthy of living.⁶⁹⁸ In view of this understanding, they have been led to abandon, dump and kill children who are born with disabilities. They usually do it privately, to avoid

⁶⁹⁵ Stevenson, C.L., (1966), *The Nature of Ethical Disagreement* in Mann, J.A., and Kreyche, G.F., (Eds), *Approaches to Morality: Readings in Ethics from Classical Philosophy to Existentialism*, New York: Harcourt Brace and World Inc. 506.

⁶⁹⁶ Ibid.

⁶⁹⁷ Strohm, H.B., (2010), *Human Dignity: A Global Ethical Perspective*, Bamberg: Centre for Public Theology, 211-220. In vastly different contexts around the world, such as South Africa and Germany, human dignity has proved itself to be an important and useful concept. Despite at times being open to political instrumentalization, Christian theology has also developed a close relationship to this concept.

⁶⁹⁸ Shell, S.M., (2008), *Chapter 13: Kant's Concept of Human Dignity as a Resource for Bioethics*, in *Human Dignity and Bioethics: Essays Commissioned by the President's Council on Bioethics*, Washington DC: Council on Bioethics Commission, Part 4. By secular understanding of human dignity implies the liberal left generally associated with personal autonomy and in this case, it is the autonomy of the mother of a child with disabilities, with expanded choices i.e. that the mother is left with open choices to make whether to keep the child or not. The liberal left will often go against the rigidity of the conservative notion of human dignity as enshrined in the Church doctrines on human dignity.

public intervention and confrontation. Some scholars have defended the concept of human dignity as applied in Christian theology since it has saved countless lives and opened new possibilities for productive change.⁶⁹⁹ In this discourse, we will also employ the Christian concept of human dignity as basis on which all moral judgements will be grounded. This has led to the defence and protection of many lives and in this context, the lives of children with disabilities. Contrary to the above, some schools of thought have unveiled certain irregularities in the usage of the concept of human dignity, thereby denying it its usefulness in the scholarly debate.⁷⁰⁰ There exist contradicting versions in the understanding of the concept of human dignity that have led to contradicting solutions in the case of children with disabilities. Regarding the secular left wing, i.e. the liberal school, the state of life of a child with disabilities could be regarded as an undignified life, not worth living.⁷⁰¹ However, some people have appealed for the concept of human dignity as a value that renders someone respect and autonomy, thereby protecting his or her life.

Here we are faced with diversity, in attempting to come up with an ethical judgement. This being the case, such judgements will always be conflicting unless we find a universal notion that is balanced and at the same time respecting the inherent rights of children with disabilities. Stevenson's question opens new horizons or new world views on how we can best reach a reasonable solution in the face of disagreement.⁷⁰² It is within this context that the research will consider certain principles that sometimes will be of great importance in coming up with solutions satisfactory to all.

⁶⁹⁹ Strohm, H.B., (2010), *Human Dignity: A Global Ethical Perspective*, Bamberg: Centre for Public Theology, 211-220.

⁷⁰⁰ Huber, W., (2006), *Notion of 'Begrundungsoffenheit' and his concept of 'relative universality' which honours both the contextual and the universal character of human rights and human dignity*, Gutersloh: Chr. Kaiser/Gutersloher Verlagshaus, 269-320. In this article, a warning is expressed stating that regarding human dignity, the warning does not prevent victims of injustice from pointing at those who cause such injustice rather the warning points towards the danger of the systematic exclusion of one person's action as something questioned by the theme of human dignity.

⁷⁰¹ Schroeder, D., (2012), *Human Rights and Human Dignity: An Appeal to Separate the Conjoined Twins*, *Ethical Theory Moral Practice* 15(3): 323-335. Also, see: Schroeder, D., (2010), *Dignity – One, Two, Three, Four, Five Still Counting*, *Cambridge Quarterly Health Care Ethics* 19(1):118-125. In this critical reflection, Schroeder distinguishes between religion-based and secular accounts of dignity and notes that religious justification has become problematic in contemporary societies which have become increasingly secular saying that if God is no longer acknowledged as a sound basis for human dignity, then one cannot take human dignity as the basis of human rights.

⁷⁰² Stevenson, C.L., (1966), *The Nature of Ethical Disagreement* in Mann, J.A., and Kreyche, G.F., (Eds), *Approaches to Morality: Readings in Ethics from Classical Philosophy to Existentialism*, New York: Harcourt Brace and World Inc. 506.

3.6.1. SUBJECTIVE MORAL SENSE THEORY AND ITS IMPLICATIONS

In the process of evaluating our actions towards children with disabilities, we ought to be a little more careful and at the same time critical with our methodology or criteria. We are at present challenged with the various notions of human dignity as cited above that are in themselves highly contesting in their application to children with disabilities. Besides the contention, we are hereby faced with the situation of children with disabilities. The state of being born with disabilities is a global issue that confronts people of-course differently. Many families globally have been confronted with the birth of a child with physical or mental disabilities.⁷⁰³ What varies is the degree of this state. Medical research indicated that the number of neonatal complications in child birthing has increased in recent years⁷⁰⁴. The number will rise dramatically over the coming years, because of global warming, the drastic change in the general pattern of atmospheric conditions and the type of food that people in general consume these days, which contain certain chemicals that are harmful to the proper development of the child in the mother's womb.⁷⁰⁵

The state of being physically and mentally disabled was addressed at a global level.⁷⁰⁶ This gave rise to the development of certain structures that could accommodate the needs of children with disabilities. Particular nations adopted the universal structures in principle, but the implementation of such structures became a major issue in the various countries, particularly in Third World nations.⁷⁰⁷ There are several complexities involved that might have become major barriers to effect the universal norms on children with disabilities the same way.⁷⁰⁸ Certain ethical judgements that have been passed on infants born with complications might have been the result of socio-economic factors that weighed heavily on the poorest families other than the a mere disqualification of the humanity of the child with disabilities.

⁷⁰³ World Health Organization, (2011), *Disability – A Global Picture, World Health Survey and the Global Burden*, New York: UNICEF Report, Chapter two, 21-47. The report states that disability is a complex multidimensional experience, posing several challenges for measurement. Approaches to measuring disability vary across countries and influence the results. Operational measures of disabilities vary per the purpose and application of the data, the conception of disability, the aspects of disability examined – impairments, activity limitations, participation restrictions, related health conditions, environmental factors – definitions, question design, reporting sources, data collection methods and expectations of functioning.

⁷⁰⁴ Annual Provincial Medical Report, (2010), The Province of KwaZulu-Natal. 18.

⁷⁰⁵ Ibid.

⁷⁰⁶ United Nations Children's Fund Division of Policy and Practice, (2008), *Monitoring Child Disability in Developing Countries: Results from the Multiple Indicator Cluster Surveys*, Wisconsin: School of Medicine and Health, 19-51.

⁷⁰⁷ Ibid.

⁷⁰⁸ Huber, W., (2006), *Notion of 'Begrundungsoffenheit' and his concept of 'relative universality' which honours both the contextual and the universal character of human rights and human dignity*, Gutersloh: Chr. Kaiser/Gutersloher Verlagshaus, 269-320.

Society in general, particularly in the region in question, has created a classification of people categorising children with disabilities into a minority group, objectifying them as an unwanted minority.⁷⁰⁹ It is to such inclinations that many children with disabilities have been exposed to discriminatory attitudes by their parents, families and sometimes even government officials as cited above.⁷¹⁰ Children with disabilities in this regard have been deemed as less important, unproductive and unwanted.⁷¹¹ Unfortunately, reality shows that, in all the government and private hospitals that deal with maternity cases, there are always a certain percentage of children who are born with complications like disabilities. Provincial, municipal, district and even faith-based health institutions have a certain percentage of children who are born with disabilities.⁷¹² Within the context of these medical statistics on prevalence of children disabilities, the government and all related stakeholders ought to take a firm stand on the affirmation and realization of the plight of children with disabilities. Though they are the minority but they still constitute the citizenry of the Republic of South Africa.⁷¹³ What happens is that when these women are discharged from hospitals, post-natal care is almost absent.⁷¹⁴ Most women are faced with the traumatic post-natal experience of having given birth to a child with disabilities.⁷¹⁵ Failure to cope with this reality of a child with disabilities may lead most women to abandon, dump or kill the child. Sometimes the child might be starved to death.

The current research considers certain expositions of the life-stories of certain individuals to enrich the academic discussion on the lives of individuals living with children with disabilities. The current situation of children with disabilities in the region portrays a minority group of people who have been disadvantaged due to their *status quo* and side-lined

⁷⁰⁹ South African Minister of Basic Education, (2016), *Section 27: Department Continues to Fail Children with Disabilities*, in <http://www.dailymaverick.co.za/article/2016-12-06-section27-department-continues-to-fail-children-with-disabilities/WFTpbdJ97IU>, Posted on December 06, 09:23 (South Africa). An event that had the potential to provide answers, raise awareness and begin a dialogue with government aimed at creating a plan to combat the tragedy for learners with disabilities in Umkhanyakude did not proceed as planned. Instead residents were forced to their own choir as none of the officials from the KwaZulu-Natal Department of Education who were invited to attend the assembly in Manguzi was present. This is a testimony of a minority group of people who could not be given the forum to address their plight.

⁷¹⁰ Ibid. The report further stated that the current state of education for people with disabilities in Umkhanyakude undermines the transformative capacity of education for one of the most vulnerable groups in society. It is at odds with state policy, but disturbingly reflective of abhorrent statements made by education officials in passing. As one teacher at a special school reported saying, we do not expect teachers and engineers to come out of this school, by one of the officials.

⁷¹¹ Ibid.

⁷¹² Department of Social Development/ Department of Women, Children, and People with Disabilities, (2012), *Children with Disabilities in South Africa: A Situation Analysis 2001-2011*, UNICEF/Rebecca Hearfield Publishers, 26-50.

⁷¹³ *Constitution of the Republic of South Africa* (1996), Chapter Nos. 9,10,12 and 28.

⁷¹⁴ Hoque, M., Hoque, E. and Kader, S.B., (2008), *Audit of Antenatal Care in a Rural District of KZN, South Africa*, in a Journal, *South African Family Practice*, Durban: Taylor and Francis Group, Medpharm, 1-6.

⁷¹⁵ Ibid.

by society.⁷¹⁶ The life stories of Ruth Morgan provided a vivid exposé of reality and opened up a new window on the life experiences of people living with physical and mental problems.⁷¹⁷ The research makes reference to what we could call a ‘Subjective Moral Sense Theory’⁷¹⁸, which takes into account the fact that an individual person or a certain group of people hold the same opinion as the last court of appeal in matters of morality.⁷¹⁹ Moral judgement is arrived at by considering that an act is good if it evokes a favourable reaction from an individual’s sense of perception.⁷²⁰ Further, this would imply that an act is regarded as bad if the individual does not profit from it.⁷²¹ According to this assessment, we could affirm that such kind of looking at reality could be based on subjective moral theory and personal prejudice. For instance, the life stories of Morgan may give us a picture of an assessment based on a subjective moral sense theory.⁷²² Morgan narrated this harrowing thought: “Something went wrong with the world when God fell asleep. Why did God allow these things to happen?”⁷²³ In this little exposition, Morgan was questioning the world view of South African society in the face of the child with disabilities. She discussed the fact that, despite the advent of the democratic South African Constitution that prohibits discrimination based on ‘disability status’, she is not even aware of the existence of any changes that will improve the quality of life for children with disabilities in South Africa.⁷²⁴ The narration above may signify that there may be many people who seem not to be aware of the reality reflected by Morgan. We still recognize the current situation of children with disabilities and the worst part of it is the fact that children are still being abandoned, dumped in inhuman

⁷¹⁶ South African Minister of Basic Education, (2016), *Section 27: Department Continues to Fail Children with Disabilities*, in <http://www.dailymaverick.co.za/article/2016-12-06-section27-department-continues-to-fail-children-with-disabilities/WFTpbdJ97IU>, Posted on December 06, 09:23 (South Africa). An event that had the potential to provide answers, raise awareness and begin a dialogue with government aimed at creating a plan to combat the tragedy for learners with disabilities in Umkhanyakude did not proceed as planned. Instead residents were forced to their own choir as none of the officials from the KwaZulu-Natal Department of Education who were invited to attend the assembly in Manguzi was present. This is a testimony of a minority group of people who could not be given the forum to address their plight.

⁷¹⁷ Priestley, M., (Ed), (2001), *Disability and the Life-Course: Global Perspectives*, Cambridge: Cambridge University Press, 89.

⁷¹⁸ Zalta, E., (Ed), (2016), *Standard Encyclopaedia of Philosophy*, An On-line Dictionary, Centre for the Study of Language, and Information, in <http://www.plato.stanford.edu>, Posted on December 17, 11:05 GMT. *Subjective Moral Theory* is in this case used to mean an action guiding theory whereby an individual person aims at achieving certain goals intended. It also must do with subjective preferences of an individual disregarding external factors.

⁷¹⁹ Thomas, J., and Higgins, S.J., (Eds), (1967), *Ethical Theories in Conflict*, Milwaukee: The Bruce Publishing Company, 34-35.

⁷²⁰ Ibid.

⁷²¹ Ibid.

⁷²² Morgan, R., (2001), *Disability and Identity in South Africa: Social Change and Self-Empowerment*, in Priestley, M., (Ed), *Disability and the Life-Course: Global Perspectives*, Cambridge: Cambridge University Press, 92.

⁷²³ Ibid.

⁷²⁴ Ibid.

conditions, or secretly killed.⁷²⁵ Despite these life experiences and evidence on the plight of children with disabilities, it seems as if there are no alarm bells to question the reality of the missing children and why they are missing. People live as if nothing is happened concerning the plight of children with disabilities. Let us consider this life-story:

“My father was disputing paternity (he laughs) so when they went there. In our tradition, you send the old mothers to go and eh check the child, inspect the child, and make sure that the child (is yours) to look for signs, the family signs. So, when they got there, my father was angry: No! I can't get an albino something like that. So, when they got there, they checked under the ears and everything. This is our child. So, we are satisfied – as the testimony went. Two days later, it was reported that the child is dead – saying you know what, he was born a monkey and it was painful to have a child like that.”⁷²⁶

This might be clear testimony of how some people in society reason. Most often, people are caught up within the parameters of their own subjective moral sense theories, in which everything is done about their own feelings, interests, and choices. When we are dealing with life and death issues, particularly judgements related to our actions towards children with disabilities, subjective moral sense theories will remain questionable. We would consider them as detrimental to those who have no power of self-defence. Some families may choose to accept the child, or not, and their choices whichever could be, may be considered and attributed to personal, family and social interests and inclinations. Using the same argument, some families, parents, mothers, and other related groups of people have courageously taken critical decisions on their children who are born with acute physical and mental disabilities. Personal sentiments of that kind have resulted in the abandonment, dumping, or killing of children with disabilities. Situations of this nature influences parents to daringly make such decisions as means of relieving themselves of their parental responsibilities that come with such consequences in the family. Some of the pressing and moral questions are: whose pleasure is paramount in such cases, namely: one's own pleasure, society's pleasure, or that of a child with disabilities? Moved by pure subjective moral sense theories, we may be inclined to differ in approach in dealing with issues related to children with disabilities as discussed in this exposition so far. Parental decisions of that nature may be lacking other elements that are of vital importance for the procurement of an objective judgement over anybody.

⁷²⁵ The first chapter highlighted several instances of children with disabilities being abandoned, dumped, and killed. We are now making use of such cases to establish an argument that could be used as a claim for the plight of children with disabilities in the region.

⁷²⁶Ibid.

Considering the above discussion on the methodology of taking decisions in the face of children with disabilities, the research acknowledged a certain degree of retrogressive subjectivism by which some people perceive reality, take decisions without considering the demerits of their actions. We need to acknowledge the objective moral criteria that transcend all personal perceptions, assumptions, and affirmations. This is what is lacking in society today. We are faced with the human malaise of children with disabilities being abandoned, dumped, and killed, in many parts of the region. Such unethical judgements towards children with disabilities are deemed as signs of our moral decadence as a society. The current inhuman situations of this nature could be directly attributed to the persistence of our social and personal prejudice that people have towards children with disabilities. This is one of the critical situations in the region that the current research has found to be contributing to the retrogression of development in the context of the current situation of children with disabilities.

3.7. CONJUGATION OF THE MORAL/ETHICAL JUDGEMENTS AND THE PROCESS OF THE DETERMINATION OF THE LIFE OF THE CHILD

The 21st century has been marked with progress in almost all fields of human science and technology.⁷²⁷ It has been labelled as the era of computer technology, which has totally transformed society and changed people's perception towards reality.⁷²⁸ The way the ordinary person sees reality today is unique and totally influenced by the cyber world of computer technology.⁷²⁹ Ethical norms are judged regarding the reality of cyber computer technology.⁷³⁰ The medical field has also been transformed tremendously. Certain medical complications were regarded as impossible cases, but scientific progress has brought about solutions that were almost unfathomable in the past.⁷³¹ Scientific progress in the medical field has solved many complications though certain developments, however, have brought about conflicting ideologies with the existing ethical values of human beings.

Besides these contrasting factors, the research has engaged ethical theories with the scientific progress in the medical field with the aim of conjugating contrasting phenomenon as a means

⁷²⁷ Zewail, A., (2002), *Science and Technology in the Twenty-First Century*, California: ASM Lecture Series, 1-9.

⁷²⁸ Ibid.

⁷²⁹ Ibid. It is science that we scientists search for the truth in the known, which is so vast and complex that our predictions will always be constrained by our ignorance of the future. Science is an education process that allows the educated and creative minds to question, experiment or observe to find answers and then try to identify a set of unifying principles, concepts and laws that embrace all phenomena of nature.

⁷³⁰ Ibid.

⁷³¹ House, J.S., (2001), *Understanding Social Factors and Inequalities in Health: 20th Century Progress and 21st Century Prospects*, in *Journal of Health and Social Behaviour*, Michigan: American Sociological Association, Volume 43, No. 2, June Issue, 125-142.

of addressing the reality of children with disabilities. The conjugation of these components reveals the reason certain people think and make their choices in life, especially when confronted with the reality of a child with disabilities. It is within this scope that the thesis will establish certain facts that contribute and influence people to make some crucial choices for children with disabilities. It is within this domain that the research acknowledged that progress in any field is commendable, even though it comes with certain risks as by-products. It is in this regard that the chapter will examine the conjugation of certain ethical judgements that people make towards children with disabilities.

3.7.1. VIABILITY OF THE LIFE OF THE CHILD WITH DISABILITIES: IS IT WORTH SUSTAINING?

The borderline of viability⁷³² starts by looking at the life of the person or human being. In consideration to the circumstances involved around the birth of a child, there are some indications of prematurity of the child, high rate of neurosensory disability i.e. cerebral palsy, blindness, deafness, and extreme pattern of mental disorders.⁷³³ These might give some hints on the degree of viability of the child with disabilities. Besides the medical conditions outlined above, there is also another important aspect i.e. the beginning of human life of the child with disabilities. The argument is that the beginning of human life may assist us in the determination of who the person is. Some theologians, particularly in the Roman Catholic school of thought, hold the opinion that human life starts at conception.⁷³⁴ From that point onwards, what is in the mothers' womb is a person no matter how complicated other medical conditions might be. The borderline in this school of thought in terms of the determination of the personhood of the child is put at the stage of conception.⁷³⁵ The understanding is that, no matter the condition of the person, he or she is still a person, with an inherent right to life. When the child is born with physical and mental disabilities, he or she remains a human being.⁷³⁶ The process of ensoulment, though disputed in terms of the time factor, is believed

⁷³² Msall, M.E., (2009), *The Limits of Viability and the Uncertainty of Neuroprotection: Challenges in Optimizing Outcomes in Extreme Prematurity*, in *American Academy of Paediatrics Journal*, Chicago: American Academy Publishers, Volume 119, Issue 1, Borderline Viability in cases of child disabilities implies the rate of survival of the child i.e. how long would the child live with such a severe disability. It also implies the threshold of life of the child where either death or life is possible.

⁷³³ Ibid.

⁷³⁴ Pontifical Council for Justice and Peace, (2004), *Compendium of the Social Doctrine of the Church*, Nairobi: Paulines Publications Africa, Art. 237, 135.

⁷³⁵ Ibid. To this note, there is an implication that the time of conception determines the humanity of the child hence there is no time when one could disqualify the personhood of the child. Medical conditions too, are not enough reasons to terminate the life of the child with disabilities.

⁷³⁶ Ibid.

to take place at conception, giving the foetus a sacred status.⁷³⁷ The child does not lose his or her status as a person based on his or her condition. This being the case, it would be unlawful to take away the life of the child. Contrary to this understanding, David Brown revealed another criterion in determining the personhood of the child. He devised up with the theory of viability.⁷³⁸ The theory starts by questioning the time factor, saying: When does, someone become a person entitled to be accorded the same value as you and me?⁷³⁹ He then went on to define the phrase: human being.⁷⁴⁰ He discovered that scholars differ tremendously. Some scholars see a human being as completely distinct from a person while Brown defined a human being as that point at which there is definitive presence of one's potential for personhood.⁷⁴¹ Per Brown, scholars referred to a person as "someone with an existing capacity and character that indicates moral status, i.e. containing certain worth."⁷⁴² From the above discussion, we come to realise that there is a diverse understanding of who the person or human being is. We see conflicting attributes that negate the personhood of the child with disabilities, when the latter definition of the person is used as a criterion for the determination of whether the child is a person or not yet a person. The theory of Brown defined viability as a point at which the foetus is capable of independent existence outside the mother's womb.⁷⁴³ This implied that there is an element of potential life in the child who is born. We could as well make use of the theory of viability and potential life in the child as major determinants of the personhood of the child with disabilities. If the child is viable and has the potential for life, then with this fact on its own, the child with disabilities is worthy of living. One of the major questions would be: How does one determine viability and potential in the life of a child? The moment we define personhood based on such theories, we stand the risk of making exclusive conclusions. Considering medical conditions of the child as criteria for the determination of personhood, then children who are born with

⁷³⁷ Pope John Paul II, (1995), *Evangelium Vitae, an Encyclical Letter on the Gospel of Life*, Article No. 58 states: 'Some people try to justify abortion by claiming that the result of conception at least up to a certain number of days, cannot yet be considered a personal human life. But in fact, from the time that the ovum is fertilized, a life is begun which is neither that of the mother nor father. It is rather the life of a new human being with his or her own growth. It would never be made human if it were not human already. This has always been clear, and modern genetic science offers clear confirmation. It has demonstrated that from the first instant there is established the programme of what this living being will be: a person, this individual person with his characteristic aspect already well determined. (.....) Even if the presence of a spiritual soul cannot be ascertained by empirical data, the results themselves of scientific research on the human embryo provide a valuable indication for discerning using reason a personal presence now of the first appearance of a human life.'

⁷³⁸ Brown, d., (1985), *Faith and the Future: Choices, Ethics and the Christian*, New York: Basil Blackwell Publishers, 116.

⁷³⁹ Ibid.

⁷⁴⁰ Ibid.

⁷⁴¹ Ibid.

⁷⁴² Ibid.

⁷⁴³ Ibid.

physical and mental disabilities, will be deemed as human beings who have no value in life, since they may be lacking the potential for life. In the same line of thought, it is out of such kind of thinking that some people categorise children with disabilities as non-beings or none-persons and other pejorative names.

Understanding person and personhood in relation to human dignity and identity, we will consider studying one of the prominent orthodox figure in the name of Zizioulas who changed the traditional Christian view of Western theology. For him, person and personhood are applied in the same manner with little variations. He stressed the relational character of personhood rendering one's identity in relation to others.⁷⁴⁴ He describes the concept of personhood in two terms namely: 'ekstasis' and 'hypostasis'.⁷⁴⁵ In this case, the dignity of a person resides in the recognition of one's own nature. Children with disabilities have their own unique human identity that ought to be acknowledged and dignified as it is. Regarding Zizioulas thought pattern, personhood, person and the individual, are terms that are used interchangeably sometimes. Specific to the term 'person' in Zizioulas thought refers to the person of the trinity while personhood has mainly been applied to anthropology.⁷⁴⁶ Further to the above discussion, Papanikolaou in trying to resolve the tension between personal freedom and subordinationism argued:

“This mutually constitutive relationship between communion and otherness means for the trinity that the Son causes the Father and the Spirit to be; that the Spirit causes the Father and the Son to be; as much as the Father causes the Son and the Spirit to be. The identity of each person is dependent on the other persons. On the level of freedom, each person being the cause of the existence of the other persons means that each person freely confirms their free will to exist in communion with other persons and by so doing, cause the existence of the other as persons.”⁷⁴⁷

Taking into account the above line of thought by Papanikolaou, analogically it implies that the identity of each person is dependent on the other persons. This further could be applied to the context of children with disabilities that their personal identity is dependent on other persons who by their very existence, affirms their identity as persons imbued with human dignity. Their personhood ought to be understood in relational terms. In this case, the

⁷⁴⁴ Gunton, C.E., (2007), *Person and Particularity* in Knight, D., (Ed), *The Theology of John Zizioulas: Personhood and the Church*, Burlington: Ashgate Publishing Co., 97-108.

⁷⁴⁵ Ibid. By 'Ekstasis' he meant a movement towards communion. By 'Hypostasis' he meant a particular being. In this sense he implied that through *hypostasis*, it signifies that in and through his or her communion, personhood affirms one's own identity and particularity. One supports his or her own nature in a particular unique way.

⁷⁴⁶ Russell, E., (2003), *Reconsidering Relational Anthropology: A Critical Assessment of John Zizioulas' Theological Anthropology*, in *International Journal of Systematic Theology*, 5., No.2. 168-186.

⁷⁴⁷ Papanikolaou, A. (2006), *Being with God: Trinity, Apophaticism and Divine – Human Communion*, Notre Dame: University of Notre Dame Press, 151.

concepts namely: ‘person’ and ‘personhood’ ought to be interpreted in a relational manner. In reference to the term ‘Hypostasis’, each person is unique and particular implying that one’s own personal identity is unique and particular to himself or herself. To this effect, we can as well say that the identity and the dignity of each individual person resides in the recognition of the particularity and uniqueness of each person per se. We can therefore conclude that the understanding of the concept of person and personhood in Zizioulas thought pattern, we acknowledge two different view-points of which both are a true reflection of the reality at hand. First, we recognize through the concept of ‘Hypostasis’ that each person is unique and particular to himself or herself. To this effect, one gains human identity and dignity by virtue of his or her existence. Secondly, Zizioulas brought about the idea of ‘Ousia’ that means being in communion with others hence bringing the idea that we gain human identity and dignity through others.

Further to the above discussion, we gain human identity and dignity through the continuous potential of becoming the image and likeness of God.⁷⁴⁸ God created humankind in his own image and likeness (Genesis 1:27). In this sense, Zizioulas states that God the Father is the ultimate giver of personhood and each single person acquires personal otherness i.e. absolute other. All humanity owes its existence from God the Father hence by virtue of our existence we deserve human identity and dignity no matter how different our biological bodies may look like. We therefore gain personhood from God the Father who creates us in his own image and likeness. With regard to the existential problem at hand, when children with disabilities are abandoned, dumped in inhuman conditions and sometimes instant death is induced on them, such acts of violence are tantamount to the violation of God’s will for them. The will of God presupposes that all live to the full.⁷⁴⁹

The discussion above has laid down some links to people’s perceptions that may lead someone to justify the act of abandoning the child, dumping the child in inhuman conditions or killing the child, without having any remorse. The justification would be that it is not a person based on some notions presented above. For instance, modern science has come with certain notions that define and simplify things for the human being.⁷⁵⁰ It has led to a change in people’s perceptions towards reality hence we interpret reality in a unique way, leading

⁷⁴⁸ Nonna Verna, H., (1998), *Zizioulas on Communion and Otherness*, in *St. Vladimir’s Theological Quarterly* 42, 273-300.

⁷⁴⁹ Schroeder, C.P., (2001), *Suffering Towards Personhood: John Zizioulas and Fyodor Dostoevsky in Conversation on Freedom and the Human Person*, in *St. Vladimir’s Theological Quarterly*, 45, No.3, 243-64.

⁷⁵⁰ House, J.S., (2001), *Understanding Social Factors and Inequalities in Health: 20th Century Progress and 21st Century Prospects*, in *Journal of Health and Social Behaviour*, Michigan: American Sociological Association, Volume 43, No. 2, June Issue, 125-142.

to certain violations of the inherent right to human life, especially in the context of children who are vulnerable and lack means of self-defence. On the positive note, we can attribute development and progress to the advancement of science and technology.

3.7.2. DIRECT KILLING OR LETTING THE CHILD WITH DISABILITY TO DIE A NATURAL DEATH?

Direct killing of the child with disabilities is closely linked to non-voluntary euthanasia.⁷⁵¹ Direct killing as linked to non-voluntary euthanasia is still crucial in the sense that the person involved has not tendered the willingness to opt for death. From the ethical perspective, such a move would be regrettable to some extent bearing in mind that there was no consent given. Letting someone to die is also as crucial as in the above example where someone does not consent and yet non-voluntary euthanasia is administered. Here is another scenario of letting someone to die. It says:

“In my nursing profession, I came across a clinical case in one of the private hospital, where a thirty-year-old male patient with physical disabilities and with multi organ failure, who was on ventilator support for ten days, went through the withdrawal of life support. This withdrawal was made based on family request due to their personal issues. When the support was withdrawn, the patient was fully conscious, with GCS 10/10 and the clinical report were showing 20% survival chance. Later, it was identified that the main issue of the family was financial burdens for the patient’s treatment. As the patient was on continuous treatment since last two years and the family did not have such resources to continue his treatment. In this case, the patient was left to die although he was still having chance of survival.”⁷⁵²

Direct killing and letting the child die constitute some of the choices that are vivid realities in most families and even in some hospital institutions in South Africa.⁷⁵³ We therefore observe from the discussion above that in moments as crucial as these, primary care givers or family siblings may take a decision to kill the patient as in non-voluntary euthanasia or they may as well choose to withdraw the life support device from the patient due to some socio-economic and cultural reasons. In many

⁷⁵¹ Moreno, J., (2007), *What is Non-Voluntary Euthanasia? In the Journal of Religion and Ethics*, in <http://www.euthanasia.procon.org/view.answer.php?questionID=000145>, Accessed on August 20, 17:43 GMT. In this article, the author says that if a human being is not capable of understanding the choice between life and death, euthanasia would be neither voluntary nor involuntary but non-voluntary. It is applied to those who are unable to give consent i.e. expressing their will or not competent to do so or those who have not even requested it. These may include incurably ill patients, severe disabled children and those who have permanently lost the capacity to understand issues or completely unable to comprehend reality.

⁷⁵² Meulen, R.H., (2005), *The Ethical Basis of the Precautionary Principle in Health Care Decision Making*, New York: Toxicol Appl Pharmacol 207, 663-667.

⁷⁵³ Ibid. Similar cases as the above are common in some of the hospitals in the country where many primary care givers are challenged with the social issue of poverty that they can hardly sustain the patient’s needs as well as their own needs hence they choose to let the patient die by voluntarily removing the life support device from the patient.

medical institutions, due to the presence of the remnants of apartheid policies and ideologies, patients are meant to be treated equally, whether young or old.⁷⁵⁴ Yet, the reality is not all that pleasing. It is often reported that even brilliant doctors fall victim to apartheid ideologies.⁷⁵⁵ Racial prejudice still exists among other health sectors, with black South African communities being affected the most.⁷⁵⁶ Parents bring their infants for medical assistance and unfortunately there exist elements of unprofessionalism among some medical experts.⁷⁵⁷ Children with disabilities seem to be the most vulnerable group of people especially in the rural settings given the circumstances cited above. What is noted, therefore, is the prevalence of selectivity, based on various issues.

3.7.3. SELECTIVITY POLICY: LETTING PARENTS DECIDE FOR THE CHILD WITH DISABILITIES

When the family is confronted with the birth of a child with disabilities, they will certainly have to adjust their normal life pattern as means of accommodating the child with disabilities. In the circumstances that the parents are frustrated with the birth of a child with disabilities, they may opt to look for support elsewhere. Such moments can be challenging and thought provoking. In a normal circumstance, parents must make a logical choice considering the various factors around the life of the child and the family. In the situation of dilemma i.e. not knowing what to do with the child with disabilities, parents often must weigh so many options and make an effective option that would best suit their situation at hand. This is the moment that we could call parents to decide over the child with disabilities. To this effect, there are several factors that would sometimes influence their decision-making process. In this regard, we will consider the issue of selectivity policy. In a normal situation, the patient's expectations could be the determinants of the type of decision that could be taken. Unfortunately, that may not be the case in some circumstances. Some patients are given better treatment than others, due to racial prejudice.⁷⁵⁸ This, however, might also be

⁷⁵⁴ McLaren, Z.M., Ardington, C. and Leibbrandt, M., (2014), *Distance Decay and Persistent Health Care Disparities in South Africa*, in *BMC Health Services Research Journal*, in <http://www.bmchealthservres.biomedcentral.com/article/10.1186/s12913-014-0541-1>, Published November 4, Accessed 14:54:1. Access to health care is a particular concern given the important role of poor access in perpetuating poverty and inequality. South Africa's apartheid history leaves large racial disparities in access despite post-apartheid health policy to increase the number of health facilities, even in remote rural areas. However even when health services are provided free of charge, monetary and time costs of travel to a local clinic may pose a significant barrier for vulnerable segments of the population, leading to overall poorer health.

⁷⁵⁵ Barnard, C., and Stander, S., (1976), *The Unwanted*, Cape Town: The Reader's Digest Association of South Africa (PTY) LTD, 18-25.

⁷⁵⁶ McLaren, Z.M., Ardington, C. and Leibbrandt, M., (2014), *Distance Decay and Persistent Health Care Disparities in South Africa*, in *BMC Health Services Research Journal*, in <http://www.bmchealthservres.biomedcentral.com/article/10.1186/s12913-014-0541-1>, Published November 4, Accessed 14:54:1

⁷⁵⁷ Ibid.

⁷⁵⁸ Ibid.

based on the circumstances around the gravity of the state of being physically and mentally disabled. After a proper diagnosis, medical experts make certain evaluations and judgements based on their medical findings. This could be a way of trying address the situation involving the child with disabilities. Their findings may have a strong bearing on the child and the parents. Having weighed the situation of the child with disabilities against the cost of medical care that may be required, medical professionals may suggest to the parents whether to move on with medical life support for the child or to consider other options. Based on the social factors and other related issues, the remedy sometimes might be an option for parents to consider non-voluntary euthanasia. Due to the scientific and technological progress in the medical field, medical experts in the field may make such ethical judgements knowing that there is no future for the child with disabilities. Based on the selectivity theory, medical experts may decide to induce death directly, or they may let death take its natural course. Considering the disparities in the health system, the child may die of negligence i.e. little or no attention was given to the child to survive. Some children in that state may have been neglected or they were given no attention, so that, with time, death should occur. Experts on some occasions have deliberately stopped the administration of medication as a means of explaining the cause of death of a child.⁷⁵⁹

To this note, we affirm that some children with disabilities even in those circumstances that they have accessed medical services, they have barely benefitted from the services they ought to have been given or intended for them. They are often left unattended and eventually death comes to the child with disabilities. Within such parameters of medical situations, it seems nobody takes responsibility for the death of the child. The above statement is because there are no records of law-suits by relevant stakeholders to verify the cause of death of the child with disabilities even in the context of the limited availability of medical facilities. Sometimes even responsible parents do not have the capacity to question medical expertise on the root cause of the death of the child. This is one of the ways how health and medical systems can forgo the values of life. The point is that we have ethical norms and values that must be respected always, but there exist attitudes, prejudice based on socio-political inclinations that conflicts with certain ethical values. The responsibility of medical experts is to conjugate the two opposing streams. The choice ought to be in favour or best interest of the life of the child, in any circumstance where the life of the child with disabilities is threatened. It requires serenity to know the difference and make proper ethical judgements.

⁷⁵⁹ Barnard, C., and Stander, S., (1976), *The Unwanted*, Cape Town: The Reader's Digest Association of South Africa (PTY) LTD, 18-25.

3.8. CONTEMPORARY EXISTENTIAL PROBLEM AND THE IMPLICATIONS ON CHILDREN WITH DISABILITIES

3.8.1 THE WORLD SCENARIO

The reality of children being born with physical and mental disabilities being a worldwide phenomenon, it has come as one of the major challenges to some families, who do not have the capacity to cope with the reality. There are certain families and health institutions, however, that are doing the prophetic service to children who are born with disabilities. Unfortunately, there are limited medical and health facilities to meet the needs of all people in society as recanted from the above discussion. Economic, socio-cultural, and political prejudices have contributed to complications of the human situation of the children with disabilities. In consideration to the world-wide scenario, the reality of children who are born with disabilities has given rise to the new phenomena of euthanasia and altruistic suicide.⁷⁶⁰ These have remained contentious issues of the modern age. Many countries in the world have legalised the termination of the life of critically ill children.⁷⁶¹ Infants who are born with physical and mental disabilities according to the law in Brussels are included in the category of infants who are regarded as terminally ill.⁷⁶² For instance, Belgium has extended legal euthanasia to terminally ill children of any age.⁷⁶³ Brussels has extended euthanasia to deaf children who are born blind.⁷⁶⁴ The aim is to remedy the psychological suffering of the child and the family.⁷⁶⁵ Therefore candidates for mercy killing are those children suffering from unbearable physical and mental pain related to disabilities that cannot be treated. In some other countries in the recent past, people who were considered as unworthy were killed.⁷⁶⁶ The list of the unworthy infants included children and babies with the slightest kind of special need.⁷⁶⁷ For example, children who were suffering from crippling diseases which were deemed as disorderly were also killed. Practices of this nature have aroused deep controversy and contrasting attitudes around the world today among scholars from the

⁷⁶⁰ Shah, J.C.R., (2014), *Withdrawal Life Support and Let Dying Ill Patients: Right or Wrong Decision*, Karachi: Clinical Research and Bioethics, 2155-9627.

⁷⁶¹ Ertelt, S., (2016), *First Child Dies After Belgium Approves Measure Allowing Doctors to Euthanize Children*, Brussels: in <http://www.lifenews.com/2016/09/19/first-child-dies-after-belgium-approves-measure-allowing-doctors-to-euthanize-children/>, Posted on September 19, 12:21 GMT. In 2014, Belgium voted to extend euthanasia to children with disabilities in a move pro-life advocates world-wide had been fearing would come and expand an already much-abused euthanasia law even further.

⁷⁶² Ibid.

⁷⁶³ Roberts, J., (2014), *At the Hour of our Death*, in the "The Tablet", 22nd February, 4-5.

⁷⁶⁴ Ibid.

⁷⁶⁵ Ertelt, S., (2016), *First Child Dies After Belgium Approves Measure Allowing Doctors to Euthanize Children*, Brussels: in <http://www.lifenews.com/2016/09/19/first-child-dies-after-belgium-approves-measure-allowing-doctors-to-euthanize-children/>, Posted on September 19, 12:21 GMT.

⁷⁶⁶ Roberts, J., (2014), *At the Hour of our Death*, in "The Tablet", 22nd February, 4-5.

⁷⁶⁷ Ibid.

different schools of thought. Some scholars call it euthanasia, others call it assisted suicide, some call it altruistic suicide, others call it mercy killing and others call it infanticide.⁷⁶⁸ What is crucial here is that the precious life of a child is taken away. Although the current discourse is focussing on the regional situation, the world phenomenon regarding children with disabilities cannot be overlooked. The ethical and theological questions raised are similar as they all look at the plight of children with disabilities and the moral perspectives in this case broadens the relevance of the subject matter. To this effect, the global scenario gives us an added hint into the reality under study. The current discourse limits itself to the regional area of KwaZulu-Natal where the existential problem per se requires academic research and intervention as a way of responding to the plight of children with disabilities. Given the positive out-come of the theology of human dignity for children with disabilities at regional level could potentially benefit some children at a global level.

3.8.2. THE AFRICAN SCENARIO

The situation in Africa regarding the reality of children with disabilities has generally taken a new and unique form. Some countries have adopted the practice of euthanasia.⁷⁶⁹ In principle, there are such provisions in their legal documents, but practically there is little that is done in terms of the implementation of their laws.⁷⁷⁰ Many African countries have simply remained silent on the matter, although indirectly some people are inclined to follow their traditional cultural values that respect the preservation of life. In some cultures, people practise the act of killing children who are born with physical and mental disabilities, especially in those cultures which believe in witchcraft.⁷⁷¹ Witchcraft plays a major role in the execution of the norms that favour the elimination of children with challenges. Sometimes death is induced by some traditional medicine experts, who use the mixture of fatal herbs and roots that cause instant death of the child.⁷⁷²

⁷⁶⁸ Ibid.

⁷⁶⁹ McQuoid-Mason, D.J., (2015), *Medicine and the Law: Doctor-Assisted Suicide: What is the Present Legal Position in South Africa?* In *South African Medical Journal*, Durban: SAMJ, Volume 105, Issue No. 7. 105(7):526-527. Posted on December 18, 10:20 GMT. The current legal position in South Africa is that the court clearly stated that each application for doctor-assisted suicide by terminally ill patients who wish to die in dignity must be considered on its merits. In the case of passive euthanasia, no order is required unless the decision is challenged in a court of law while in active euthanasia, it is necessary to obtain a court order. The court order acts as a check and balance of any sort of abuse. In principle, South Africa gives provisions for euthanasia based on severely ill patients who wishes to die in a dignified way.

⁷⁷⁰ Ibid. Each case is dealt per its merits. There are no provisions for a general standard that applies to all in this country.

⁷⁷¹ South African Law Reform Commission, (2014), *The Review of Witchcraft Suppression Act 3 of 1957*, Pretoria: Project 135, Issue Paper 29, 9-10.

⁷⁷² Ibid.

3.8.3. THE CURRENT SITUATION OF THE CHILDREN IN KWAZULU- NATAL, SOUTH AFRICA

The current situation in South Africa, in general, is that many people seldom bother to tie the marriage knot, so that there are many young mothers who bring up their children single-handedly.⁷⁷³ We observe that their instances of some children might have the same mother, but different fathers. There are very few whole families in the region.⁷⁷⁴ With no proper family cohesion and communities, certain core family values are given attention due to the socio-cultural factors. The objective good may be overlooked and, to some extent, even negated, to pursue subjective choices and interests. In any family that lacks a sense of identity and belonging, human life takes a unique twist that may not favour the objective welfare of family affairs. Human life of a child with disabilities as such may lose its value and may be reduced to the state of meaninglessness. The dignity of the child with disabilities in the context of family crisis and lack of family cohesion may no longer be meaningful.

It is within this scope that the experience of the situation regarding children with disabilities remain a crucial and delicate one. Most children who were found abandoned and dumped by their siblings, according to a Health Systems Trust Annual report, indicated a similar reality.⁷⁷⁵ Records on those who were counselled indicated that most women were single mothers who could hardly cope with the situation, especially those who were confronted with the reality of having born a child with disabilities.⁷⁷⁶ It was in regard to such inhuman situations and circumstances that the Second Vatican Council treated the issue of human dignity as fungible, meaning that human dignity is something that is sacred and never to be compromised.⁷⁷⁷ The ordination was made in view of the crumbling of family life that has left so many children vulnerable. Children with disabilities will remain victims of violence and deliberate negligence, especially in the context of single parenthood. The current human situation in the country seems to be crucial, considering the number of cases that keep on appearing in the local media. Many families that are overwhelmed seem to lack the capacity to cope with the reality. There are reports of children being abandoned by their siblings and

⁷⁷³ Holborn, L., and Eddy, G., (2011), *First Steps to Healing the South African Family*. Richmond: South African Institute of Race Relations publishers, 1- 4. A Research Paper by the South African Institute of Race Relations Sponsored by the Donaldson Trust.

⁷⁷⁴ Ibid.

⁷⁷⁵ *Health Systems Trust Annual Report 2014/2015*. (2016), A leading Resource on Health Systems and Primary Health Care in Southern Africa. In *Mail and Guardian*. Issued on 22nd January. 24:00 GMT.

⁷⁷⁶ Holborn, L., and Eddy, G., (2011), *First Steps to Healing the South African Family*. Richmond: South African Institute of Race Relations publishers, 1- 4. A Research Paper by the South African Institute of Race Relations Sponsored by the Donaldson Trust.

⁷⁷⁷ Vatican Council II, (1965), *Gaudium et Spes*, 7th December, Article No. 27, 928.

some children are found dumped in adverse conditions.⁷⁷⁸ Finally, there is an assumption to the point that some single mothers, who are overwhelmed with the reality of their children's physical and mental disabilities, might have been inducing the instant death on their children.⁷⁷⁹ From the cultural point of view, some traditional maternity attendants in some of the informal settlements in the province might have been playing a major role in the killing of children who are considered as unwanted.⁷⁸⁰ This is one of the areas where cultural systems have kept such trends of life as one of the deep secrets of society.⁷⁸¹ It is in consideration to the above assumption that there are limited empirical data to substantiate the claims of the research especially in the context that some people are beneficiaries of the ritual killings as the case is in ritual killings of the albinos.⁷⁸² Despite such cultural beliefs and the inclination to deep secrets, modern society has found certain loop-holes where information has leaked, indicating malicious practices that sometimes take place when the family is faced with the birth of a child with disabilities.

3.8.4. THE GENERAL IMPLICATIONS OF THE CONCEPTS OF HUMAN DIGNITY

The concept of human dignity looked at from the theological discussion in this chapter, we observe that it plays a major role in the discourses of bioethics though sometimes confusing in some other instances.⁷⁸³ As noted, the conservatives and religious right wing associate the concept of human dignity with the sanctity of life thereby rooting itself in the basic core

⁷⁷⁸ Selapisa, L., (2016), *A Week of 3 Dumped Babies*, in <http://www.thenewage.co.za/a-week-of-3-dumped-babies/>, Posted on February 16, 11:01 GMT. Despite continued cases of child abandonment in South Africa, quantifying the problem is still a challenge. Three babies were reported abandoned in the past week in three provinces one of whom was found dead in a bin outside a block of flats in Pretoria. Two were found dead in a pit latrine in Shaka's Head, KwaZulu-Natal. There is a continuous litany of children country-wide who have fallen victims of child abandonment and dumping. Most media reports indicate that child abandonment and dumping are associated or related to physical and mental conditions of the child besides the socio-economic factors that are also crucial in these matters.

⁷⁷⁹ Madisha, K., (2016), *Baby Dumping Shame*, in <http://www.thenewage.co.za/baby-dumping-shame/>, Posted on September 16, Accessed on 11:14 GMT. Health MEC Qedani Mahlangu has blamed socio-economic conditions such as poverty, unplanned and teenage pregnancy and substance and alcohol abuse for the upsurge in baby dumping. She further confirmed that children born with physical and mental disabilities and preference for certain genders are some of the drivers of baby dumping in the region.

⁷⁸⁰ Human Rights Council, (2013), *Annual Report of the Office of the United Nations High Commissioner for Human Rights, On the Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development: Persons with Albinism*, Geneva: HRC24/57, 6-7. There are beliefs per which the body parts of persons with albinism possess magical powers capable of bringing riches and power if used in portions produced by local witchdoctors. As noted in a recent report by the Special Representative of the Secretary-General on Violence against Children, Persons with albinism are perceived as a curse from the gods and a charm made from their body parts is considered to have magical powers that bring wealth, success, and good luck. Considering this exposition, we can affirm that midwives may play a major role in the ritual killing of children with albinism which is considered as a disorder since they are the primary observers of the child when birth takes place.

⁷⁸¹ Ibid.

⁷⁸² Ibid.

⁷⁸³ Shell, S.M., (2008), *Kant's Concept of Human Dignity as a Resource for Bioethics*, Washington DC: Human Dignity and Bioethics, New York: President's Council on Bioethics. Chapter 13.

values of the biblical narratives.⁷⁸⁴ Contrary to this view, the concept of human dignity has been closely linked to personal autonomy, an ethical principle which opens up avenues for people to make independent personal choices based on their personal rights, interests and goals.⁷⁸⁵ Personal choices in this regard are given priority. Further to the observation above, we noted that the concept of human dignity has been widely discussed in relation to questions of respect for human beings. In general, the concept of human dignity refers to the intrinsic value enshrined in each person regardless of any medical conditions.⁷⁸⁶ It embraces the worthiness of the embodied human life in a person.⁷⁸⁷ Finally, we acknowledge and affirm that the concept of human dignity is rooted in the religious belief that human beings have been created in the image and likeness of God and have been endowed with the capacity to reason making a person unique from other created things.⁷⁸⁸

Therefore, considering the moral evaluations of the different notions of the concept of human dignity as explored in this chapter, we will employ some notions of the concept of human dignity that would potentially inform and form a moral ground on which the formulation of the theology of human dignity for children with disabilities could be based. We further note the concept itself would be a better theory that would assist in approving the moral status of children with disabilities. It is therefore an honourable concept on which we can base our opinion about the plight of children with disabilities. We also note that even some international conventions explicitly make use of the concept in bringing about the realization of the human rights of all peoples. We will therefore apply this concept in our argument in defence of the plight of children with disabilities in the Province of KwaZulu-Natal.

Briefly, the alienation of disabled children gave rise to the following implications: Children are prevented from realising their full potential when they are dumped based on their status. Based on the discussion above i.e. chapter one, there are conditions today which prevent children from realising their full potential. This stimulates a sense of hopelessness in their future. The reality is that children with disabilities continue being dumped and left to die on their own, with minimal human intervention.

3.9. CONCLUSION

In conclusion, the first chapter dealt with the description of the existential problem thereby answering the question of the existential problem facing children with disabilities. It gave a

⁷⁸⁴ Ibid.

⁷⁸⁵ Ibid.

⁷⁸⁶ Donnelly, J., (1989), *Universal Human Rights in Theory and Practice*, Ithaca: Cornell University Press, 17.

⁷⁸⁷ Ibid.

⁷⁸⁸ *The Catechism of the Catholic Church*, Article Nos. 401-2287.

broad contextual situation regarding children with disabilities. It was a proper hermeneutical approach to the socio-cultural and political situation in the country. The available literature broadly showed the magnitude of the problem. The research acknowledged and confirmed the human malaise of the children with disabilities. The reality revealed that many children are abandoned by their siblings and others are dumped in adverse conditions, where they die in solitude. In extreme cases, children who are regarded as unwanted are killed. The first chapter showed that children who are born with disabilities are the most common victims of such malicious acts.

The second chapter dealt with the question of why? The research investigated the cultural and ethical reasons why people abandon, dump and or kill children with disabilities. The chapter explored the various tenets that lead parents to act in the manner, without making any critical analysis of their actions. Cultural beliefs and social tendencies impacted heavily on the parents' acts. The investigation discovered that there are some external forces that are central in influencing parents to do away with their children. Political, scientific, and even Biblical allusions were all major players in the debate empowering mothers and families to act brutally to their children.

The third chapter dealt with the question How? It dealt with the concept of human dignity, ethical perspectives and how these components influenced people to abandon, dump or kill children with disabilities. The chapter further examined how people develop their perceptions towards children with disabilities. Finally, the research drew conclusions on what would be considered as ethical judgements that people make in the face of the children with disabilities. The chapter presented the conjugation of the ethical judgements that people make and the scientific progress in the medical field, to bring about a common ground on which people could base their judgements when dealing with the life issues of children with disabilities. This led to the exploration of the current situation with its implications.

The above brief exposition gave a foundation for the fourth chapter, which will deal with a theological view of the question. It will respond to the research question: "How does the social teaching of the Roman Catholic Church contribute constructively to the development and formulation of a theology of human dignity that is relevant to children who are born with physical and mental disabilities that will bring about integral human development? The chapter will therefore employ some theoretical framework in examining the two encyclicals, *Evangelium Vitae* and *Gaudium et Spes*. The two documents will be key documents in the fourth chapter. The research will consider other documents to review certain assertions and affirmations found in the afore-mentioned papal encyclicals.

CHAPTER FOUR

4. THE THEOLOGICAL EVALUATION OF THE VARIOUS CONCEPTS OF HUMAN DIGNITY IN REFERENCE TO GAUDIUM ET SPES, EVANGELIUM VITAE AND THOMISM

4.1. INTRODUCTION

The first chapter of the project outlined the existential problem, i.e. the abandonment, dumping and wilful killing of children with disabilities followed by the second chapter which examined the reasons why children with disabilities are abused in the manner as explored. The plight of children with disabilities led to the theological discussion on the concept of human dignity to weigh heavily on the lives of children, making them vulnerable to negative and exclusive attitudes towards them. The project embarked on a theological evaluation of the concept of human dignity in relation to the plight of children with disabilities. The third chapter further addressed the various discourses on human dignity. The theological debate on the concept of human dignity showed various contesting theories of human dignity that, in real- life situations, have the potential to advance or retard human life, particularly that of children with disabilities. The project considered examining the different notions of the concept of human dignity and how they influence the general public's thinking capacity that, finally, compels an individual person to act in a manner that leads to various sorts of child abuse. The project showed how certain concepts of human dignity are dominant over others. In the fourth chapter, the project will evaluate the different perspectives of human dignity, as outlined in Chapter Three, regarding three main theological resources, namely the underlying principles of life- affirming values as instituted by the Second Vatican Council, through the document called *Gaudium et Spes* and the encyclical of Pope John Paul II, entitled *Evangelium Vitae* – on the gospel of life. Finally, reference will be made to one of the most prominent Catholic and Dominican theologians, Thomas Aquinas' legacy on human life. The various perspectives of human dignity will be weighed, based on the above theological resources. The fourth chapter will state the basic scientific and theological doctrine on human life, from which all other discourses ought to emulate and advance. It is within the contexts of having a moral vision enshrined in the Social Teaching of the Catholic Church on matters of faith and morals in relation to children with disabilities that the discourse will be meaningful. The chapter will further respond to the research question by evaluating the given concepts of human dignity, as outlined in the third chapter, and evaluate them in the light of the three theological resources, *Gaudium et Spes*, *Evangelium Vitae* and the legacy of St. Thomas Aquinas on human life. In view of *Gaudium et Spes*, the project will address human dignity in terms of its core principles and, given what prompted the

council members of the Second Vatican Council to address the existential problem of human life, compare the dormant theological concepts of human dignity and examine them, to establish a point of whether they are relevant today, particularly in Africa, among the various personalities. The chapter will further address and assess the basic teachings of Pope John Paul II, in his encyclical called *Evangelium Vitae*. It will study the encyclical and draw out the main teaching about the dignity of children with disabilities. Finally, the chapter will further study Thomism i.e. St Thomas Aquinas' legacy on human life in relation to children with disabilities. His contribution to this project will be classic and outstanding. Aquinas' legacy will be vital in the compilation of a theology of human dignity for children with disabilities.

4.2. GAUDIUM ET SPES: THE DOMINANT PRINCIPAL THEORY OF HUMAN DIGNITY AND HOW IT RELATES TO THE EXISTENTIAL PROBLEM.

The historical perspectives of the institution and promulgation of *Gaudium et Spes* took place almost at the middle of the twentieth century.⁷⁸⁹ This was the time of the opening of a new era, i.e. the end of the Second World War at the international level, the disintegration of European colonialism and the rise of nationalism in Africa.⁷⁹⁰ There was an awareness of the scientific and technological advancements in almost all fields of human life.⁷⁹¹ Progress in the twentieth century brought about the existence of massive weapons of mass destruction, nuclear bombs, high explosives, biological weapons and many other sophisticated military weapons aimed at the human person.⁷⁹² The dawn of such weaponry gave rise to various wars in various parts of the world.⁷⁹³ Such military ordnance left a profound mark on society, to the extent that the human being became a victim of technology, the product of the human's own making. Africa experienced the worst scenario, genocide, poverty, whether self-inflicted or not, curable and incurable diseases, human moral decadence under the leadership

⁷⁸⁹ Hincks, M., (2014), Commenting on *Gaudium et Spes*, *The Importance of Gaudium et Spes in our Times*, Carrollton: Opus Angelorum Inc, Article 10 of GS. In the introductory remarks the Council sets the stage for the subsequent sections stressing the fact that in the face of modern developments there is a growing body of men who are asking the most fundamental of all questions: What is Man? What is the meaning of suffering, evil and death....? What can man contribute to society? What can he expect from it? And what happens after this earthly life is ended?

⁷⁹⁰ McDonagh, E., (1991), *The Church in the Modern World* in Adrian Hastings, (Ed), *Modern Catholicism: Vatican II and After*, London: Oxford University Press, 96-100.

⁷⁹¹ Hincks, M., (2014), *Vatican II: The Importance of Gaudium et Spes in our Times*, Carrollton: Opus Angelorum Inc, Article 10 of GS.

⁷⁹² Vatican II, (1965), *Gaudium et Spes, Pastoral Constitution on the Church in the Modern World*, London: Catholic Truth Society, 9-14.

⁷⁹³ Ibid.

of dictatorial regimes and the sporadic rise of freedom and democracy.⁷⁹⁴ The world scenario and the African situation presents the general historical perspectives and the problems that existed, which prompted the Council Fathers of the Second Vatican Council to deal with the human situation.⁷⁹⁵ There was a general awareness of the appalling human situation in all fields of life, which gave rise to the shift in the life of the church, i.e. from the re-construction and the renewal of the church in matters of church doctrine, to something very new, the pastoral concern which dealt with concrete realities of human life and the human situation.⁷⁹⁶ Professor Riccardi's remarks on *Gaudium et Spes* concluded with the following statement:

“Is it not therefore the role of the church to call humanity to an immense crusade against misery, to promote a general mobilisation of spiritual and material energies for the fight in which the dignity of our species is at stake?”⁷⁹⁷

In his presentation, Riccardi vividly confirmed the geopolitical terms of the Church, stating that the Church ought to be attentive to the human situation in the world, thereby promulgating the imperialistic interest of the Church in the world.⁷⁹⁸ In this regard, the Church had to focus on the holistic human situation in the world. While the common agenda of the Council was centred on the holistic development of the human person, there was need for the Church to be in solidarity with the entire human family, specifically the most vulnerable groups of people in the society, whose existence depended on others including children with disabilities. In view of the scientific and technological advancements in the field of medicine and health, there was a general plea for, collective effort to address certain medical dilemmas of human life.⁷⁹⁹ Such a reality in the medical field gave rise to the review of moral theology's practical contribution on such issues of medical dilemmas. Bioethics came about as a means and forum to address such issues of human life on the academic and

⁷⁹⁴ Carney, J.J., (2014), *A Brief History of Ethnic Violence in Rwanda and Africa's Great Lakes Region*, in a *Journal of Africa Ecclesial Review*, Creighton: Oxford University Press, 10-50. In this article, there is a historical sad story of Africa that presents the military fights that led to the death of millions of Africans through the usage of dangerous weapons of mass destruction manufactured to destroy the human person. This is the dark side of human development in Africa at a time around the Second Vatican Council.

⁷⁹⁵ Hincks, M., (2014), *Vatican II: The Importance of Gaudium et Spes in our Times*, Carrollton: Opus Angelorum Inc, Article 10 of GS. The Council fathers point out further the need for all of us to have a balanced view of reality of evil and sin in the world, for a monumental struggle against the powers of darkness pervades the whole history of mankind.

⁷⁹⁶ Ibid.

⁷⁹⁷ Riccardi, A., (2005), *The call to justice: The Legacy of Gaudium et Spes. Forty Years Later: A Historical Perspective and Gaudium et Spes*, A paper presented at the Vatican on 17th March, 2005. 3.

⁷⁹⁸ Ibid.

⁷⁹⁹ *Gaudium et Spes*, Article Nos. 74-75.

scientific level.⁸⁰⁰ Per St Thomas Aquinas, as quoted at one of the international conferences: A small error in the beginning leads to a multitude of errors in the end.⁸⁰¹

In view of the situation of children with disabilities, the positive and negative schools of thought have contrasted each other regarding the human identity of the infants in question.⁸⁰² Different ethical systems have come up with unique conclusions, most of which positively pointed to the development of the recognition of the children with disabilities as human persons, while on the negative side of scholarship, an anti-life philosophy developed that categorically denied the human identity of these infants.⁸⁰³ Severe disabilities among children are a reality and most families who face the birth of a child with disabilities are left in a situation of uncertainty not knowing what to do. Realities of life of that nature gave rise to new ways of dealing with issues of dilemma hence it is from this point that bioethics emerged, defining, and determining how physicians ought to treat every human person with respect, no matter how sick or small, weak or disabled they may be.⁸⁰⁴ Erroneous theories have largely put children with disabilities in a precarious position and they become one of the most vulnerable groups of people in society. If they are denied of human identity, they can be abused and disposed of, like any other thing that is a non-being.

In the process of addressing the sanctity of life ethics, the international conference on bioethics came up with ground- breaking theological and scientific theories upon which all debates on medical dilemmas facing the human person ought to be based.⁸⁰⁵ The conference therefore affirmed that human life begins to exist at fertilisation in the woman's fallopian tube as a simple embryo called the zygote.⁸⁰⁶ This was to affirm and confirm that fertilisation of the female cell marks the beginning of the existence of the human being, in the form of a human embryo, that has the potential of growth and development in all faculties of human

⁸⁰⁰ Congregation for the Doctrine of the Faith, (2008), *Instruction Dignitas Personae*, On Certain Bioethical Questions, Rome: Article Nos. 11-35.

⁸⁰¹ Irving, D.N., (2001), Quoting Aquinas, T., at the International Conference: *International Federation of Catholic Medical Association and Matercare International*, On "The future of obstetrics and Gynaecology ...: The impact of International Bioethics on the Sanctity of Life," Rome. Italy, 28th June.

⁸⁰² Ibid.

⁸⁰³ Ibid.

⁸⁰⁴ Furton, E.J., (Ed), (1999), *Ethical Principles in Catholic Health Care*, Boston: The National Catholic Bioethics Center, Vol. 1, 63. Shannon gave a standard definition: "Autonomy is a form of personal liberty of action in which the individual determines his or her course of action in accordance with a plan of his or her own choosing."

⁸⁰⁵ Congregation for the Doctrine of the Faith, (1988), *Donum Vitae, On the Instruction on the Respect for Human Life at its Origins and for the Dignity of Procreation*, February 22, AAS 80,70-102.

⁸⁰⁶ Irving, D.N., (2001), in <http://www.lifeissues.net> p.1, *International Federation of Catholic Medical Association and MaterCare International*. Rome: Italy, 28th June, 2001. Posted: 11:15am, 2011/11/16.

life.⁸⁰⁷ The second basic theological conclusion drawn by implication is that this human embryo, who is now a person, is created in the image and likeness of God. No matter how it looks, no matter the shape it has assumed, it is created in God's image and likeness.⁸⁰⁸ It therefore constitutes the soul. It was from this point of view that the church, through *Gaudium et Spes*, places itself at the centre of the human story. The Church realised the tremendous discrimination towards children with disabilities.⁸⁰⁹ There has been a great appeal for the promotion of human rights, particularly the rights of the needy people in society. The constitution of the Church in the modern world stated that:

“The Church, therefore, by the virtue of the Gospel committed to her, proclaims the rights of mankind; she acknowledges and greatly esteems the dynamic movements of today by which these rights are everywhere fostered.”⁸¹⁰

Right from the onset of *Gaudium et Spes*, the Church has become more actively involved in the various issues of raising the problems facing the human being, groups of people who are vulnerable including the plight of children with disabilities. It is pertinent to this debate to consider *Gaudium et Spes* as the reference point to the subject matter. *Gaudium et Spes* sets a theological ground and basis for highly scientific and theological debate facing children with disabilities. The document will act and be the basis for the evaluation of the different concepts of human dignity, as presented in the third chapter.

4.3. GAUDIUM ET SPES AS ONE OF THE BASIC REFERENCE DOCUMENTS ON THE SOCIAL TEACHING OF THE CATHOLIC CHURCH

Gaudium et Spes is a Christian reflection heralded as a landmark of the Catholic Social Teaching that embraced the well-being of the human person.⁸¹¹ It articulated important human commitment to justice as a means of maintaining social order.⁸¹² The document provides a shared understanding of social justice regarding the human situation in the world,

⁸⁰⁷ Ibid.

⁸⁰⁸ John Paul II, (1995), *Evangelium Vitae* (The Gospel of Life) Genesis 1: 26-28: *God ordained that human life is thus given a sacred and inviolable character which reflects the inviolability of the Creator himself*, Art. No. 53, 95.

⁸⁰⁹ John Paul II, (1995), *Evangelium Vitae, Encyclical Letter on the Gospel of Life*, AAS 85:442-444. In this article, the Pope was basically talking of the life that is vulnerable and often abused. Children with disabilities constitute this group of people in society often abused and their rights violated.

⁸¹⁰ The Second Vatican Council, (1965), *Gaudium et Spes, on the Pastoral Constitution on the Church in the Modern World*, Art. No. 29, 30.

⁸¹¹ Winters, M.S., (2015), *Review: The Church in the Modern World: Gaudium et Spes, Then and Now*, in *National Catholic Reporter Journal*, New York: Published on National Catholic Reporter in <http://www.ncronline.org>, Posted on February 20, 23:13 GMT.

⁸¹² The Second Vatican Council, (1965), *Gaudium et Spes, on the Pastoral Constitution on the Church in the Modern World*, Art. No. 29, 30.

which implicitly includes the well-being of children with disabilities. The document, as it was promulgated by the Ecumenical Council of the Second Vatican Council, acted as a collective moral authority aimed at advocacy of the promotion of a culture of life and the affirmation of human life in general.⁸¹³ It is from this vantage point that the project will consider the document as a pilot reference point, crucial for the formulation of a theology of human dignity that befits children with disabilities.

Gaudium et Spes, as a social doctrine, advocated for pro-life activities.⁸¹⁴ It considered this advocacy as an essential part of the pro-life of cause, action, and political activity.⁸¹⁵ About In this case, even children with disabilities are included among those neglected by the political act. In the case of isolated incidents of violence against the innocent, justice ought to be executed, to maintain social order. The current project, as an advocate for children with disabilities, aims at trying to save the lives of so many infants, born and unborn, who are regarded as unwanted babies. It is in this regard that *Gaudium et Spes* is crucial to this project, as it encourages for pro-life activism which is integrated into the promotion of the culture of life and the affirmation of human life in general. The current project will focus on this advocacy in relation to children with disabilities. *Gaudium et Spes* being one of the social documents on the social teaching of the Roman Catholic Church, articulated the various tenets of the culture of life and the affirmation of human life.⁸¹⁶ In the affirmation of the above statement, Article 2 states:

“Though proud of its discoveries and its power, humanity is often concerned about current developments in the world, about humanity’s place and role in the universe, about the meaning of individual and collective endeavour and finally about the destiny of nature and of humanity. And so, the Council, as witness and guide to the faith of all of God’s people, gathered together by Christ, can find no more eloquent expression of this people’s solidarity, respect, and love for the human family, of which it forms part, than to enter into dialogue with it about all these various problems, throwing the light of the Gospel on them and supplying humanity with the saving resources which the Church has received from its founder under the promptings of the Holy Spirit. It is the human person that is to be saved, human society which must be renewed. It is the human person, therefore, which is key to this discussion, each individual human person in her or his totality, body and soul, heart and conscience, mind and will.”⁸¹⁷

Therefore, it is central to this project, to articulate the plight of children with disabilities, assuming the role of an agent of evangelization on matters of faith and morals, as it presents

⁸¹³ *Gaudium et Spes*, (1965), 15-24.

⁸¹⁴ *Ibid.*

⁸¹⁵ *Ibid.*

⁸¹⁶ *Gaudium et Spes*, (1965), 15-24.

⁸¹⁷ *Ibid.* Article No. 2.

the Church's teaching on the culture of life. The document will assist the research project and actively participate in the formulation of a theology of human dignity for children with disabilities. The theological insights into the human situation of the children in question will enable the entire human community to participate in the establishment of a culture of life, in the face of the contemporary situation of children with disabilities.

4.4. HUMAN DIGNITY AS IMAGE AND LIKENESS OF GOD: A CORE PRINCIPLE IN GAUDIUM ET SPES

The first part of the Constitution on the Church in the Modern World, i.e. *Gaudium et Spes*, presented one of the most remarkable items of the time calling it: The Dignity of the Human Person.⁸¹⁸

The Council highlighted the joys, hopes, grief and the anxieties of the human person in the modern world.⁸¹⁹ The point was to unveil the plea of the afflicted in society. The Council further gave more attention to the realities of human life, presenting it as the theatre of human history.⁸²⁰ There was an awareness of the human tragedies that keep on rocking the human being. What was discussed in the first chapter captures the reality of anguish as stipulated in the document i.e. *Gaudium et Spes*. Such a sphere of life gave rise to various sociological, political, philosophical, and theological questions on the meaning of life, as such, and the ultimate destiny of the human person.⁸²¹ There was a clear recognition of a profound change in the intelligibility of the human person, specifically around human relationships. The manner of thinking and acting towards others was conspicuously seen as questionable, positively, and negatively.⁸²²

Such an environment gave rise to various tragedies and problems that, up to pose serious moral questions now, still. Several people are still marginalised and excluded from the

⁸¹⁸ *Gaudium et Spes*, Art 12. 9.

⁸¹⁹ *Ibid.* Art. Nos: 4-10, 9-14.

⁸²⁰ *Ibid.*

⁸²¹ *Ibid.*

⁸²² *Ibid.* Article No. 4, In this article the Council articulated such a statement: 'In no other age has humanity enjoyed such an abundance of wealth, resources and economic well-being; and yet a huge proportion of the people of the world is plagued by hunger and extreme need while countless numbers are totally illiterate. At no time have people had such a keen sense of freedom, only to be faced by new forms of social and psychological slavery. The world is keenly aware of its unity and of mutual interdependence in essential solidarity, but at the same time it is split into bitterly opposing camps. We have not yet seen the last of bitter political, social, and economic hostility, and a racial and ideological antagonism, nor are we free from the spectre of a war of destruction. If there is a growing exchange of ideas, there is still widespread disagreement in competing ideologies about the meaning of the words which express our key concepts. There is lastly a painstaking search for a better material world, without a parallel spiritual advancement.'

common members of the human family.⁸²³ The intelligibility of the reality of human life and the key concepts such as ‘the concept of human dignity’ have assumed different meanings in the various sectors of life and schools of thought. Such diversity in the intellectual scholarship has given rise to new complications and challenges. The contemporary worldview towards the reality of children with disabilities leaves a lot to be desired. Certain human values have taken on a new mode and have become an intellectual burden of our own making. For instance, the new abrogated assisted dying bill allows doctors to prescribe a lethal dose of drugs to terminally ill people with just six months to live who wish to end their lives.⁸²⁴ For some scholars in the 21st century, the definition of a terminally ill patient is a large group of people, including those that are born with physical and mental disabilities, severely disabled children, and very old people.⁸²⁵ By implication, the bill could be applied to the people mentioned above. The condition to its application is on the fact that lethal dose of the drug may only be administered to those who wish to end their lives.⁸²⁶ It does not say anything about those who are unable to do so. How does someone approve the autonomy of the patient in question, particularly infants, who do not possess the power to express their feelings and their mind? Per Campbell of Surbiton, the bill simply puts at risk the lives of many people whose destinies are often determined by ill-minded people who do not possess feelings for others.⁸²⁷

About the above attestation, the reality of the situation of children with disabilities belongs to the terminally ill patients who are often one of the most vulnerable groups of people in the modern world. In our current discourse the project will make provision and make use of one of the intelligible terms or phrases, ‘the dignity of the human person’ and formulate a theology of human dignity for children with disabilities. In view of the above exploration, we need to enter the current debate on the various discourses on the dignity of the human person, as presented in *Gaudium et Spes*. The Council presented the views of the Church on the subject matter by posing the question: What does the Church think of the human person? What needs to be recommended for the up building of the contemporary society?⁸²⁸ Such

⁸²³ The African Child Policy Forum (ACPF), (2011), *Children with Disabilities in South Africa: The Hidden Reality*, Addis Ababa: The African Child Policy Forum, 11-20. The report states that there is a serious lack of age and gender-specific prevalence data on childhood impairment and disability including risk and associated factors, and there is no disaggregated data on the extent to which disabled children benefit from service provision. These factors pose a major challenge to the development of targeted and effective prevention and intervention programmes for disabled children in South Africa.

⁸²⁴ Jance Campbell (2014), *Assisted Suicide Fatally Flawed*, in *the Tablet* 14 June 2014, 7.

⁸²⁵ *Ibid.*

⁸²⁶ *Ibid.*

⁸²⁷ *Ibid.* 8.

⁸²⁸ *Gaudium et Spes*, Art. No. 11, 17.

questions gave an impression of a Church with a human face and character acknowledging her ultimate mission in the world. It was from this context that the Council posed the issue about the grief and anxieties of the followers of Jesus Christ. On the dignity of the human person, the Council exposed the varying responses to the question of the human person, resulting in serious doubts of who is a human person. Endowed with the light of God, the Church offers solutions to such issues, so that the real situation can be outlined and the potential defects can be explained, while the dignity of the human person and destiny could justly be affirmed and acknowledged.⁸²⁹

The Council further affirmed that sacred scripture teaches that man was created in the image of God, can know, and loving the creator and was appointed by him as master of all earthly creatures that he or she might subdue them and use them to God's glory.⁸³⁰ The Council began its discourse on human dignity by outlining who the person is based on the above biblical citation. The person is the product of God's creation and he or she is created in the image of God, as stated above.⁸³¹ The question of who a person is, is basically an anthropological treatise and the Council had to appeal to theology for its response. One of the building blocks of the dignity of the human person, as presented in *Gaudium et Spes*, is the fact that we are created in the image of God and deserve special care and treatment.⁸³² From the discussion on the concept of human dignity as image and likeness of God, we now appeal to its implementation on children with disabilities. This concept directly speaks to children with disabilities pointing to the realization of their inherent right to life. It finds its roots and urgency in the schema of human creation and the creator.⁸³³ The whole understanding is that the human person came from God as creator and author of life and our destiny is thus God himself.⁸³⁴ In affirming the above thought, the Council stated: It is certainly very hard to be faithful both to the optimism of a vision that sees the whole world as coming from and God and going to God, as being now reformed in the image of Christ

835

⁸²⁹ Ibid. Art. No. 12, 19.

⁸³⁰ Ibid.

⁸³¹ Ibid.

⁸³² Ibid. Art. No. 12, 16.

⁸³³ *The Catechism of the Catholic Church Compendium*, Nairobi: Pauline's Publications Africa, Article No. 358, 1699-1715. The article states that the dignity of a human person requires the uprightness of a moral conscience which is to say that it be in accord with what is just and good per reason and the law of God which is called divine justice. Because of this personal dignity, no-one may be forced to act contrary to conscience nor without the limits of the common good and act without fearing God as the author of life.

⁸³⁴ Ibid. Art. No. 19, 20.

⁸³⁵ Hastings, A., (1969), *A Concise guide to the Documents of Second Vatican Council*. London: Darton, Longman & Todd, Vol. Two, Commentary on Art. 12, 19.

We therefore take note that the study of the human person as the image of God took centre stage, placing before us the core Christian humanism.⁸³⁶ The dignity of the human person is rooted in the image and likeness of God and entails a human relationship with others, the creator and the environment in which he or she lives.⁸³⁷ Therefore the human dignity of the human person follows from his or her being a social creature of God.⁸³⁸ Being created in the image of God is the basis of one's dignity and it calls for the recognition of one's relationship with God as creator, the whole human family and nature itself. It is in the attainment in full of this relationship that we realise our dignity as persons. The dignity of the human person from the theological viewpoint, cannot be understood and be meaningful apart from God as creator of all that is at least based from the discussion above. The basic nature of the human person is to be the image of God here on earth.⁸³⁹

The human person therefore, as Hastings had put it, reflects the personal being of God.⁸⁴⁰ One of the questions raised is whether this image of God also applies to children with disabilities. Children who are born with disabilities obviously lack certain potentials however, how do we compromise God's image in them i.e. children with disabilities? The general assumption is that some children with disabilities do not possess a free will and an intellectual faculty since some of them may not be able to make any intelligible argument.⁸⁴¹ They do not have the potential and knowledge of right and wrong, neither do they know the difference.⁸⁴² They are morally incapable of making choices and they can hardly respond to reality.⁸⁴³ It is within that context that some scholars deny them their human identity. The image of God principle seems to evade them, given their status quo.⁸⁴⁴ Does human dignity

⁸³⁶Ibid. 27.

⁸³⁷ *The Catechism of the Catholic Church Compendium*, Nairobi: Pauline's Publications Africa, Article No. 358, 1699-1715.

⁸³⁸ Ibid.

⁸³⁹ Ibid. 28.

⁸⁴⁰ Ibid.

⁸⁴¹ Wasserman, D., Asch, A., Blustein, J. and Putnam, D., (2016), *Cognitive Disability and Moral Status* in Zalta, E.N. (Ed), *The Stanford Encyclopaedia of Philosophy*, Stanford: Metaphysics Research Lab, 91-92. The moral status of a child with cognitive disability per this citation presents to us this notion. Why are cognitive disability and moral status thought to be sufficiently connected to warrant a separate entry? The reason is that individuals with cognitive disabilities have served as test cases in debates about the moral relevance of possessing such intellectual attributes as self-consciousness and practical rationality. If a significant portion of human beings lacks self-consciousness and practical rationality, then those attributes cannot by themselves distinguish the way we treat cognitive developed human beings from the way we treat no-human animals and human foetuses. If we cannot experiment on or kill human beings who lack those attributes, then the lack of those attributes alone cannot be what justifies animal experimentation or abortion.

⁸⁴² Ibid.

⁸⁴³ Ibid.

⁸⁴⁴ Carlson, L. and Kittay, E., (2009), *Introduction: Rethinking Philosophical Presumptions considering Cognitive Disability*, New York: Metaphilosophy 40, 307-330. See also Rawls, J., (1971), *A Theory of Justice*, Cambridge: Harvard University Press, Admittedly, the consensus may be superficial. Some philosophers who claim to treat adult human beings with physical or psychiatric disabilities as having the same moral status as

as image of God still apply to them? This is the moment where things need to be taken carefully, to avoid wrong speculation that could lead to wrong, misguided conclusions.

Based on the stated scientific theory of the evolution of mankind, human life starts at conception, i.e. when the female ovum is fertilised by the sperm cell, forming a one-called the zygote or human embryo.⁸⁴⁵ Per Church doctrine, this is the starting-point of human life and the human person.⁸⁴⁶ Anything that follows from that point, whether it lacks certain characteristics to whatever degree, it remains a human person. It is the same human person, who is in the form of a human embryo, that is created in the image of God. Therefore, when the child is born with physical and mental disabilities, it remains an image of God. Until we get this right, we will never deny anybody the inherent right to life and being an image of God. It is from this vantage point that *Gaudium et Spes* sets valid grounds for our discourse on human dignity as the image of God.⁸⁴⁷ Human dignity as the image of God was considered by the Council members as God-founded humanism.⁸⁴⁸ Of course, the scholarship in this case acknowledges that some of the non-believers would find the above informative statements rather crucial.

The assertions made above present an authentic reality of Christian theology in the contemporary world, without which human life would be in vain. Modern atheism, combined with secularisation, would openly dispute the above defence, emphasising that the world consists of things in principle, comprehensible to the human person and never beyond this line of thought.⁸⁴⁹ All the same, the true task of Christian theology, and in particular this project, is not an acceptance of secularisation, in the sense that it implies an exclusion of the sacred, as Hastings put it, rather it is the renewal of our perennial witness to the substantial identity of the sacred and acknowledgement of the distinction.⁸⁵⁰

It was from such discourses that the Council finally accepted the historicity of the human person's existence and the nature of his or her existence that the human person exists in the

nondisabled adult humans also take positions that other philosophers see as inconsistent with a commitment to equal moral status. One notable example is Rawls exclusion of people with physical disabilities from the original position on the assumption that they are not fully cooperating members of society.

⁸⁴⁵ *The Catechism of the Catholic Church Compendium*, Nairobi: Pauline's Publications Africa, Article No. 358, 1699-1715.

⁸⁴⁶ *Ibid.*

⁸⁴⁷ Pontifical Council for Justice and Peace, (2004), *Compendium of the Social Doctrine of the Church*, Nairobi: Pauline's Publications Africa, Article Nos.132-134. 72-73.

⁸⁴⁸ *Ibid.* 30.

⁸⁴⁹ Williams, B., (2006), *The Human Prejudice*, in *Philosophy as a Humanistic Discipline*, Princeton: Princeton University Press, 135-152.

⁸⁵⁰ Hastings, A., (1969), *A Concise guide to the Documents of Second Vatican Council*. London: Darton, Longman & Todd, Vol. Two, Commentary on Art. 12, 33-34.

image of God.⁸⁵¹ The Roman Catholic Social Teaching affirmed that the first principle of all social organisations is that they must serve the human person made in God's image and likeness.⁸⁵² Rodgers came up with the second principle, stating that human beings are by nature social and that they need to live in an organised society with others, so that they can develop socially, intellectually, economically and spiritually.⁸⁵³ Being a social being, the human person primarily belongs to the family as the first society where parents are fully committed to caring for their children.⁸⁵⁴ It is therefore unfortunate that, through various circumstances, many children are born and brought up within situations that are far from the ideal family and are abandoned, dumped and killed unnecessarily.

Drawing from the above discussion on human dignity as the image of God explicitly points to certain inherent rights of infants, who are often abused and neglected. God created the human person in his own image and likeness, endowed him with free will and intelligence and made him lord of all creation.⁸⁵⁵ The primordial assertion of the Church's anthropology is that the human person is the image of God and cannot be reduced to a mere fragment of nature of any anonymous element in the human city.⁸⁵⁶ Finally, based on the same fact that the human person was created in the image of God, *Gaudium et Spes* furthers the affirmation of the social nature of the human person, saying:

“The social nature of man shows that there is interdependence between personal betterment and the improvement of society. Life in society is not something accessory to the human person himself or herself, through his or her dealings with others, through mutual service and through fraternal dialogue, man develops all his or her talents and becomes able to rise to his destiny.”

⁸⁵⁷

From the above quotation, we come to the realization that the state of being physically and mentally disabled informs us of our mutual dependence upon one another. We cannot realise our humanity without reaching out to our neighbour, particularly the needy and in this case, children with disabilities. *Gaudium et Spes* had given a firm foundation of the concept of human dignity as the image of God, rendering the project at hand a strong foundation of our subject matter.

⁸⁵¹ Flannery, A., (Ed), (2010), *The International Year of the Disabled Persons, in Vatican Council II*, Volume 2, More Post-Conciliar Documents, New Delhi: Rekha Printers Pvt. Ltd, 543-553.

⁸⁵² Rodgers C., (1999), *An Introduction to Catholic Social Teaching*, San Francisco: Ignatius Press, 15.

⁸⁵³ Ibid.

⁸⁵⁴ Ibid.

⁸⁵⁵ *Pacem in Terris*, Art. No. 3.

⁸⁵⁶ John Paul II, (1980), Puebla, London: CIIR, 7.

⁸⁵⁷ *Gaudium et Spes*, Art. No. 25.

4.5. THE CHURCH AS THE CONSCIENCE OF SOCIETY

The Council having examined the situation of the human person in the world they made a formal recognition the human suffering at different levels of society.⁸⁵⁸ By teaching us about the poor, the Church led us into service of the defenceless and the voiceless. As agents of evangelization in the world of academia, we stand to denounce injustice directed towards children with disabilities. Many children, particularly those who are categorised as unfit for living are part of a larger group of people who experience many shocking events. In this case, what we normally observe is that when people are faced with the reality of the birth of a child with disabilities, they often opt to dispose of the child, since his or her presence among them frustrates their intended goals of having a good life without hardships and problems of this nature.⁸⁵⁹ There is also an element of depersonalising certain groups of people who are unproductive in society and crime is approved and implemented at a structural level.⁸⁶⁰ We still experience the unanimous approval of certain crimes in some sectors of society.⁸⁶¹ There are social tendencies in some parts of the region that could be categorised as crucial and having direct, implications on society. For instance, there is at present a certain form of psychological manipulation of someone's mind, that often results in a woman approving the dumping, abandoning, or killing of a child.⁸⁶² Some children are disposed of, especially those who are thought of as unfit to live a normal life.⁸⁶³ Unfortunately, such tendencies still exist in the region and the society at large. Haring further acknowledged the existence of what he called a heartless management of humanity at the highest level and even sometimes in the medical field, where people experience a human management without concern for the dignity and genuine freedom of those who are incapable of protecting themselves.⁸⁶⁴

With regard to the current situation in the region, due to the shortage of medical personnel, the absence of the related infrastructure for patients of that nature and the aspect of having

⁸⁵⁸ Ibid.

⁸⁵⁹ Rand, M.R. and Harrell, E., (2009), *National Crime Victimization Survey; Crime Against People with Disabilities*, Washington DC: Bureau of Justice Statistics Special Report NCJ227814, Department of Justice, 1-12. Children with disabilities have long been considered a vulnerable population. Most literature on exposure to violence and disabilities indicates that children with disabilities are at greater risk of victimization than those without disabilities.

⁸⁶⁰ Ibid.

⁸⁶¹ Flannery, A., (Ed), (2010), *The International Year of the Disabled Persons, in Vatican Council II*, Volume 2, More Post-Conciliar Documents, New Dehli: Rekha Printers Pvt. Ltd, 543-553.

⁸⁶² Häring, B., (1991), *Morality is for Persons: The Ethics of Christian Personalism*, New York: Farrar, Straus & Giroux, 16.

⁸⁶³ Rand, M.R. and Harrell, E., (2009), *National Crime Victimization Survey; Crime Against People with Disabilities*, Washington DC: Bureau of Justice Statistics Special Report NCJ227814, Department of Justice, 1-12.

⁸⁶⁴ Ibid. 16-17.

negative perceptions towards children with disabilities contribute to the reality of having an unsympathetic management of patients in the medical field.⁸⁶⁵ On the political level, society seems to empower medical institutions with such negative policies that have little concern for children with disabilities.⁸⁶⁶ The reality of this nature has been the cause of anguish among people and unhealthy public opinions among those who have been entrusted with the care of the most vulnerable people in society.

The current situation is expressed in this manner saying:

“The African child policy forum commissioned a desktop review of the realities of disabled children in South Africa to help improve understanding of the magnitude and needs of children with disabilities in Africa. The aim of this project is, therefore, to collect, summarise and synthesise relevant reports, researches and surveys from varied and reliable sources, to produce a report that clearly assesses the life situation of children with disabilities in South Africa including gaps in policy and practice as well as good practice.”⁸⁶⁷

The study of the experience facing children with disabilities is one amongst the many efforts that would ensure that the situation children with disabilities become more visible. This move could be considered as a step further into process of addressing the plight of children with disabilities. We are confronted with people who are unable to find themselves the most desired dignified personal life. Häring further stressed the negative effects of the power of public opinion, which forces many people to approve immoral acts as remedies that deny the life to babies with acute physical and mental disabilities.⁸⁶⁸ Some people, particularly those who face such challenges in life, may consider a child with disabilities as a possible danger to society, family siblings and to their own *status quo* which later renders the child unacceptable.⁸⁶⁹ Similar attitudes are prevalent among people, even those who have never ever been confronted with the birth of a child with disabilities.

The Council saw the Church as the conscience of society.⁸⁷⁰ Conscience is not some kind of feeling, but rather a judgement which stands accountable to reason.⁸⁷¹ This means that

⁸⁶⁵ South African Human Rights Commission, (2000), *South African Human Rights Commission 4th Annual Report: December 1998- December 1999*, Pretoria: Human Rights Commission, 45-50.

⁸⁶⁶ Ibid.

⁸⁶⁷ ACPF, (2011), *Children with Disabilities in South Africa: The Hidden Reality*. Addis Ababa: The African Child Policy Forum, 11-17.

⁸⁶⁸ Häring, B., (1991), *Morality is for Persons: The Ethics of Christian Personalism*, New York: Farrar, Straus & Giroux, 16-17.

⁸⁶⁹ Ibid.

⁸⁷⁰ Flannery, A., (Ed), (2010), *The International Year of the Disabled Persons, in Vatican Council II, Volume 2, More Post-Conciliar Documents*, New Dehli: Rekha Printers Pvt. Ltd, 543-553.

⁸⁷¹ Hughes, G.J., (1994), *Our Human Vocation* in Michael J. Walsh, *Commentary on the Catechism of the Catholic Church*, Minnesota: Liturgical Press, 348-350.

conscience is one of the intellectual faculties of human life that ought to be used as a tool in following what we sincerely believe to be right, even if we are mistaken.⁸⁷² In consideration of the current situation in the world regarding children with disabilities, the Church stands out as the conscience of society, bringing the light of divine revelation to such dilemmas in life. It is in this regard that the church acknowledges scientific progress in the world. The Church further explains scientific progress as a God-given gift to a person giving him or her opportunity to discover solutions to the critical problems facing humanity.⁸⁷³ The Council, as the mouthpiece of the church, realised that there are more areas that have been entrusted to the human person, to use his or her knowledge for the affirmation of life and giving back glory to the author of life. The Church further challenges us in those areas where a person is ignorant saying;

“The first principle, which is one that must be stated clearly and firmly, is that the disabled person (whether the disability be the result of a congenital handicap, chronic illness, or accident, or from mental or physical deficiency, and whatever the severity of the disability) is a fully human subject with the corresponding innate, sacred, and inviolable rights. This statement is based upon the firm recognition of the fact that a human being possesses a unique dignity and an independent value from the moment of conception and in every stage of development, whatever his or her physical condition. This principle, which stems from the upright conscience of humanity must be made the inviolable basis of legislation and society.”⁸⁷⁴

We are invited to look at human life from a unique Christian perspective hence ought to be humble enough to accept his or her limitations and resort to God’s providence.⁸⁷⁵ The Council, instead, placed great emphasis on the dignity and freedom of each individual person and on the duty of the community and society at large to respect and protect the dignity of each individual person by means of proper social, economic and political structures and policies.⁸⁷⁶ The Council also stressed the reciprocal nature of duty, stating that an individual person has the duty to contribute towards the building of proper structures in society.⁸⁷⁷ It is therefore, out of the utmost importance for the Christian world to develop and advocate responsible personal liberty, a responsibility that is accepted by the community and for the sake of community and individual well-being. There is need for an appeal to put more

⁸⁷² Ibid.

⁸⁷³ Ibid.15.

⁸⁷⁴ Flannery, A., (Ed), (2010), *The International Year of the Disabled Persons, in Vatican Council II*, Volume 2, More Post-Conciliar Documents, New Dehli: Rekha Printers Pvt. Ltd, 544-545.

⁸⁷⁵ Hughes, G.J., (1994), *Our Human Vocation* in Michael J. Walsh, *Commentary on the Catechism of the Catholic Church*, Minnesota: Liturgical Press, 348-350.

⁸⁷⁶ *Gaudium et Spes*, Art. Nos. 23-26.

⁸⁷⁷ Ibid.

emphasis on the fact that the progress of each person and the advancement of society hinges on good interrelationships with one another, thereby calling for the proper integral development of each individual person and society. It is therefore in this sense that the Council advocated the Church as the conscience of society. *Gaudium et Spes* represents a landing place for the many questions experienced in the twentieth century, gathering together, and making connections that shines the light of a Church's presence in the world.⁸⁷⁸ *Gaudium et Spes* places the Church at the centre of all reality of human life. The Church, as the conscience of society, has something unique to offer in the process of achieving integral human development by saying;

“We must never lose sight of the fact the church's objective is to evangelise and not to civilise. If she criticises it is by means of evangelisation.”⁸⁷⁹

From this quotation, the Council recognised that the Church, by virtue of the Gospel committed to her, proclaims the rights of the human person, acknowledges and greatly esteems the dynamic movements of today, by which these rights are everywhere fostered.⁸⁸⁰ Riccardi said that these movements must be penetrated by the spirit of the Gospel and protected against any kind of false autonomy.⁸⁸¹ Surely it is no longer possible today to speak of the church without touching the pertinent questions that confront the human person. *Gaudium et Spes* speaks volumes as far as the discourse is concerned and sets proper foundation and bases for theological discussion.

4.6. THE PRIMACY OF MORAL NORMS IN HUMAN DIGNITY DISCOURSES

In our last discussion on human dignity as the image of God, we were bound within the context of those who believe in God and God's revelation, as it has been handed down to us from the Apostles. In this case then, we were dealing with matters relating to social doctrine of the Church⁸⁸² as sources of our knowledge. When the human person is confronted with the birth of a child with disabilities, it does not necessarily limit itself to believers, but it

⁸⁷⁸ Riccardi, A., (2005), *The call to justice: The legacy of Gaudium et Spes Forty Years Later: An Historical Perspective and Gaudium et Spes*. Rome: 7.

⁸⁷⁹ Ibid.

⁸⁸⁰ Ibid.

⁸⁸¹ Ibid.

⁸⁸² Pontifical Council for Justice and Peace, (2004), *Compendium of the Social Doctrine of the Church*, Nairobi: Pauline's Publications Africa, Article Nos. 7 and 8, 5-6. By Social Doctrine of the Church we mean a complete and systematic Magisterial reflection and expression of the constant Church's commitment in fidelity to the grace of salvation wrought in Christ and in loving concern for humanity's destiny. It has a pastoral priority for men and women. It is oriented towards evangelization and human practice in the world.

informs every human person, regardless of religious affiliation.⁸⁸³ *Gaudium et Spes* gives us an option of what would be called a common ground of understanding human realities of life.⁸⁸⁴ *Gaudium et Spes* in addressing the human condition, in this case the situation of the children with disabilities, engages several avenues in the process of articulating pertinent questions concerning human beings.⁸⁸⁵ Bushman's commentary on *Gaudium et Spes* stated that the Council stressed the positive value of scientific research that leads to deeper knowledge of the human person.⁸⁸⁶ The values achieved through scientific research set before us a common ground as the starting point for researching the truth about human life.⁸⁸⁷ The human person, as expressed above endowed with reason and free will, has the capacity to venture into scientific research in the process of seeking answers for certain realities of life that put the mind of the person in a quandary. It is the human being's capacity to reason and his free will that calls for responsibility on the side of the human person.⁸⁸⁸ According to Bushman, the human person is compelled by nature and is also bound by the moral obligation to seek the truth about the meaning and destiny of the human person.⁸⁸⁹ In all this activity, we then affirm what was stated previously that the human person is bound to follow his or her conscience guided by the social order as enshrined in the social doctrine in order to maintain the natural order of reality. Therefore, human reason and free will obliges the person to take into consideration the inner voice, i.e. the conscience, before he or she can undertake any decision to act. This is basically unique knowledge which ought to be assimilated, viable and applicable to every person, believers, and non-believers alike. *Gaudium et Spes* provides us with this forum as a means of discovering our decisions and actions.⁸⁹⁰ When the mother is confronted with the birth of a child with disabilities, reason and free will, guided by conscience, ought to assist her in discovering the truth about the meaning and destiny of human life, particularly the life that is in a state of being challenged

⁸⁸³ Ibid.

⁸⁸⁴ Flannery, A., (2010), Commenting on *Gaudium et Spes On Pastoral Constitution of the Church*, (The Conciliar Document), Volume 1, New Dehli: Rekha Printers Pvt. Ltd, Article Nos.2 and 3. 794-795. It says, the world which the Council has in mind is the whole human family seen in the context of everything which envelops it, it is the world as the theatre of human history bearing the marks of its travail, its triumphs and failures, the world in which Christian vision has been created and is sustained by the love of its maker.

⁸⁸⁵ Ibid.

⁸⁸⁶ Bushman, D., (2008), *Pope John Paul II and the Christ-Centered Anthropology of Gaudium et Spes*, as presented in <http://www.ignatiusinsight.com>, Posted on 07/01/2014. 20:00 GMT.

⁸⁸⁷ Ibid.

⁸⁸⁸ Ibid.

⁸⁸⁹ Ibid.

⁸⁹⁰ Flannery, A., (2010), Commenting on *Gaudium et Spes On Pastoral Constitution of the Church*, (The Conciliar Document), Volume 1, New Dehli: Rekha Printers Pvt. Ltd, Article Nos.2 and 3. 794-795. And so, the Council as a witness and guide to the faith of the whole people of God, gathered together by Christ, can find no more eloquent expression of its solidarity and respectful affection for the whole human family to which it belongs than to enter dialogue with it about all these different problems.

physically and mentally. In the context of an infant born with physical and mental disabilities, human identity is seriously challenged in some circumstances and quarters of human existence as seen in the previous chapters, which also changes a person's attitude towards the child. The situation of being in a state of being disabled thus far creates an atmosphere of uncertainty regarding the future of the child as such. Some people would wrestle within themselves on how they could best accept and nurse the child. It is a difficult process to come into terms with reality and it is one of the crucial realities of life that many families confronted with the birth of a child with disabilities might face. *Gaudium et Spes* affirmed the above, saying: Man, is the spirit within himself⁸⁹¹ When a family is confronted with the birth of a child with disabilities, it is bound to develop an internal family crisis. The unfortunate part is that, in most cases, people compromise the dictates of their conscience due to the gravity of psychological burden lying ahead of them. For example, some people would opt to use human freedom that compromises human responsibility or, when human science about the case under study, contribute to the loss of the sense of guilt.⁸⁹² It is when the human person reaches this level that she finds no sense of remorse in abandoning, dumping or killing a child with severe disabilities. *Gaudium et Spes* stated that more harm comes to those who commit acts that are opposed to life and human dignity than to those who are victims of such acts.⁸⁹³ The general understanding is that the effects of our bad actions breed violence and a culture of death among those who engage themselves in such deplorable behaviour. It is from this point that we all come to terms with reality, whereby we acknowledge that it is our duty as moral agents to always do good and avoid evil. The constitution of the Church in the modern world invited all people of good will to be agents of morality, a morality that aims at doing good at all times and avoiding evil.⁸⁹⁴ It was from this context that *Gaudium et Spes*, introduced certain considerations of moral order that ought to be taken into account on any question over pressing issues that confront the human person in the modern world.⁸⁹⁵ Bushman added that, in the context of dilemmas facing the human beings and the achievement of moral order in the world, which is more human and more worthy of human dignity, the human person ought to learn to conduct himself as a

⁸⁹¹ *Gaudium et Spes*, Art. No. 13.

⁸⁹² *Ibid.*

⁸⁹³ *Ibid.*

⁸⁹⁴ McCormic, R.A., (1986), *Laborem Exercens and Social Morality*, in Curran, C.E. and McCormick, R.A., (Eds), *Readings in Moral Theology No. 5, Official Catholic Social Teaching*, New York: Paulist Press, 219-230.

⁸⁹⁵ Vatican II, (1965), *Gaudium et Spes*, A Pastoral Constitution on the Church in the Modern World, in Neuner, J. and Dupuis, J., *The Christian Faith in the Doctrinal Documents of the Catholic Church*, Seventh Revised and Enlarged Edition, Bangalore: Theological Publications, 60.

moral agent.⁸⁹⁶ In concrete terms, the above statement would imply that we ought to be guided by the dictates of a well-informed conscience. It is therefore in making proper use of human reasoning and free will, guided by a well-informed conscience, that we can achieve the objective good. The present project places the primacy of moral norms highly for any human conduct and the ordering of all human action and human relationships. The primacy of moral norms in the various discourses on human dignity is indispensable if we are to achieve order in the world. It is the desire of every person that when he or she is born, in whatever state, desires inwardly to become fully human and alive. It is therefore unjust to simply deny any child the glorious opportunity of life. O God, my Father, don't let me die without having really lived and really loved.⁸⁹⁷ Many innocent children, though confronted with lack of the most basic faculties of human life, share the above aspiration with all human beings to be fully human, to live and to be loved. On one occasion as cited, two men looked out through prison window bars, one saw mud and one saw stars.⁸⁹⁸ The above idiomatic expression portrayed a picture that each of us perceives circumstances differently. In the pursuit of the fullness of human life, as Powell put it, everything depends in this frame of reference, the basic vision of life.⁸⁹⁹ The project makes use of Powell's wisdom, saying that if we are to change, to grow into persons who are more fully human and more fully alive, we shall certainly have to become aware of our vision and patiently work at redressing its imbalances and eliminate its distortions.⁹⁰⁰

4.7. EVANGELIUM VITAE: THE DOMINANT PRINCIPLE OF HUMAN DIGNITY

Evangelium Vitae is one of the encyclical letters written by Pope John Paul II.⁹⁰¹ It was addressed to all the catholic bishops, priests, deacons, religious men and women, the laity and to all people of good will.⁹⁰² It is also known as the gospel of life, because it deals with the value and inviolability of human life.⁹⁰³ The Pope hinted that what is at the centre of Jesus Christ's message is the good news concerning life, i.e. new life, which, in this case,

⁸⁹⁶ Ibid.

⁸⁹⁷ Powell, J., (1976), *Fully Human Fully Alive*, Illinois; Argus communications, 7.

⁸⁹⁸ Ibid.14.

⁸⁹⁹ Ibid.

⁹⁰⁰ Ibid.7.

⁹⁰¹ John Paul II., (1995), *Evangelium Vitae, on the Gospel of Life*, in <http://www.vatican.va/holy-father/john-paul-ii/encyclicals/documents/hf-ip-ii-enc-25031995-evangelium-vitae-en.html>, 14-16. From its very title, *Evangelium Vitae* (Gospel of Life), Pope John Paul II showed that he wished to give the protection of life from conception to its natural end, a highly positive character and great new spiritual thrust. While realistically countering new and unprecedented threats to life and the rapid spread of a culture of death, the primary intention of this document is to proclaim the good news of the value and dignity of each human life, of its grandeur and worth, also in its temporal phase.

⁹⁰² Ibid.

⁹⁰³ Ibid.

we could call human life. When a child is born into a family, it becomes a moment of joy to the family and society.⁹⁰⁴

Today, in our own context, we witness that sometimes the birth of a child with disabilities becomes bad news. This is normally because the physical and mental appearance of the child frustrates the expectations and aspirations of the parents and, worse still, the family.⁹⁰⁵ We can categorically say that it is not true that every birth of a child is good news. The dawn of new life in a devastating form is never good news, particularly considering the various elements related to the upbringing of that life. The dynamics of human life in its temporal phase are crucial, especially when it is deemed unworthy of living. *Evangelium Vitae* upholds and affirms that every person born of a woman is called to a fullness of life, which consists of the earthly life and the very life of God the creator.⁹⁰⁶ Human life is a sacred reality entrusted to us so that we can preserve it with a sense of responsibility. It is brought to perfection in love and in the gift of ourselves to God and to our brothers and sisters.⁹⁰⁷ Human life, by its very nature, as delineated above, is unique in comparison to other forms of life. Its relation to God and other faculties that constitute it makes it worthier of respect and attention. Unfortunately, human life sometimes comes to us in certain forms that frustrate the aspirations of the parents and the family.⁹⁰⁸ Therefore the birth of a child with disabilities depending on the family reactions may belong to the various forms of human life that might be considered a burden to the family.⁹⁰⁹ Despite the above reservation, *Evangelium Vitae* maintained that human life is sacred, right from its beginning until its natural end.⁹¹⁰ The Church, while contemplating the mystery of redemption through the incarnation of Jesus Christ, acknowledged the value inherent in human life, stating: The Gospel of God's love for man (person), the Gospel of the dignity of the person and the

⁹⁰⁴ Ibid.

⁹⁰⁵ Ritchie, M., (2013), *Children Born with Disabilities: How Families Respond*, in *Child Research Net Journal* in <http://www.childresearch.net/papers/rights/2013-01.html>, Posted on May 10, Children's Rights and Well-being, Assessed on December 20, 11:19 GMT. The birth of a child with disabilities usually follows the following stages according to Ritchie namely: denial, anger, bargaining, depression and acceptance. Parents usually react with psychological stress, a feeling of loss and low esteem. The child is disappointing and a social obstacle leading to shame and embarrassment. Parents may direct their anger on other people if not the child itself. Reports concerning children with mental disabilities in this article showed that 25% of families would abandon the child in hospitals or any other place of their preference. The reaction of the siblings might be worse in this context.

⁹⁰⁶ Cavanaugh, J., Keefe, O., (1996), *The Evangelium Vitae: Gospel of Life. A study guide*, Stafford: American Life League Inc., 3.

⁹⁰⁷ Ibid.

⁹⁰⁸ Ritchie, M., (2013), *Children Born with Disabilities: How Families Respond*, in *Child Research Net Journal* in <http://www.childresearch.net/papers/rights/2013-01.html>, Posted on May 10, Children's Rights and Well-being, Assessed on December 20, 11:19 GMT.

⁹⁰⁹ Ibid.

⁹¹⁰ *Evangelium Vitae*, Art. No. 2.

Gospel of the life are a single and indivisible Gospel.⁹¹¹ In the case of a child with disabilities, some people may pose a moral question on the moral status of the child, saying does he or she represent the fullness of life that is worthy and sacred? The progressive negative wing would openly dispute the fact that such an infant constitutes human life that is sacred and worthy of living, due to its lack of certain fundamental faculties of human life.⁹¹² The results of the above reasoning would lead to the mentality that removes the sense of guilt when a child is abandoned, dumped or killed, based on the fact that the child with disabilities, according to this school of thought, was never a person at any point or his or her life was not put at the same level with other people as Marquis suggests. In many parts of the world, where there are such sentiments, or where people choose to follow the above inclinations, there is an existing pressing reality, i.e. an extraordinary increase and gravity of threats to human life of certain individuals, whose lives are weak and defenceless.⁹¹³ The Council acknowledged and forcefully condemned a number of crimes and attacks against human life, such as any act that is opposed to human life itself, murder, genocide, abortion, euthanasia, wilful self-destruction, whatever violates the integrity of the human person, whatever insults human dignity, e.g. sub-Saharan living conditions, arbitrary imprisonment, deportation, slavery, prostitution, selling of women and children, disgraceful working conditions and many other forms of that nature.⁹¹⁴ With regard to our subject matter, most threats and crimes are directed towards the weak and the poor, who are often defenceless and vulnerable. More emphasis on this subject matter compel us to state that children who are born with disabilities are among those that are victims of such malicious actions and behaviour. Abandoning, dumping or deliberate, wilful killing of infants constitutes a list of some of the grave threats to human life today. The current project is addressing the issue from the moral perspective, by posing a theological/ethical question of human dignity for infants who are born with disabilities. The project looked at the existential reality in KwaZulu-Natal and then looked at the various forms of human dignity. The evolutionary

⁹¹¹ Ibid.3.

⁹¹² Kaczor, C., (Ed), (2013), *A Defense of Human Dignity: Creating Life, Destroying Life and Protecting the Rights of Conscience*, Notre Dame: University of Notre Dame Press, 7-10. Pincker states that do we have any reason for ascribing intrinsic dignity to all human beings? There are several ways to argue for the proposition that all human beings are endowed with intrinsic dignity and certain inalienable rights. The first is that our dignity should be based on who we are, the kind of being that we are, rather than on how we are functioning in the moment. Dignity should be based on our membership in the human family, rather than on any performative activity. Contrary to the above, Marquis says that the claim that all human beings have a serious right to life seems to imply that a human being who is in an irreversibly unconscious state, such as an anencephalic child or someone who has experienced severe trauma to her brain or is totally brain dead, has a serious right to life. It certainly seems counterintuitive to suppose that it would be as wrong to end the life of such a human being as it would be to end the life of you and me.

⁹¹³ *Evangelium Vitae*, Art. No. 3, Section 3-4.

⁹¹⁴ Ibid.

progressions of the various concepts of human dignity were outlined, showing the dominance of certain concepts over others. From this point, *Gaudium et Spes* and *Evangelium Vitae* will act as reference points in evaluating the different dynamics in the various concepts of human dignity, while establishing a theology of human dignity that is proper to children with disabilities. Before we can venture into this task of evaluation, the research will consider first the main theological principles in *Evangelium Vitae* that would act as pillars and reference points for the formulation of a theology of human dignity.

4.8. EVANGELIUM VITAE AS ONE OF THE MAIN ENCYCLICALS ON THE SOCIAL TEACHING OF THE CATHOLIC CHURCH

We live in a society where crimes against the humanity of children with disabilities persists. Efforts have been made by different stakeholders at different forums and yet the plight of children with disabilities still ring alarm bells in society. The human family in Africa and elsewhere in the world, has a key role to play in this theatre of human history. It is stated and affirmed that the family is the primary forum for our existence and it is where we could get full support. Children with disabilities would consider the family intrinsically as sanctuary of their existence.⁹¹⁵ At the same times, we acknowledge that regarding the birth of a child with disabilities in the family, the mother might be pressured by the husband that the child be condemned to live a life with disabilities giving parents a right to kill their child.⁹¹⁶ A society consumed with appearance, competition, pragmatism, self-affirmation, and perfectly planned lives, seems to have less respect for dignity for children with disabilities.⁹¹⁷ Burke quoted him in one of his presentations as saying:

“While the transformation of hearts is the most fundamental means of new evangelisation regarding human life, Catholics and all persons of good will must be attentive to all laws which safe-guard the dignity of human life.”⁹¹⁸

⁹¹⁵ Ibid. Article No. 11.

⁹¹⁶ Ibid. Article Nos. 58-59.

⁹¹⁷ Courtney, M.E., (2013), *Evangelium Vitae: A Mother's Testimony to the Gospel of Life*, Kentucky: Aquinas College Nashville Publishers, in [http://www.aquinascollegecatechetics.org/officeofCatechetics/Evangelium -Vitae.html](http://www.aquinascollegecatechetics.org/officeofCatechetics/Evangelium-Vitae.html), Accessed on December 20, 15:01 GMT.

⁹¹⁸ Burke, R., (2014), *Convegno Internazionale Pro-Vita Sala San Pio X*, Via Della Conciliazione 5, 3 Maggio, 2014. The Cardinal who is the Prefect of the Vatican's Apostolic Signatura gave a keynote address at the inauguration of the International Pro-Life Conference. He focused on the perennial newness of the Gospel of life and he noted that the human person can never tire of reflecting upon and honoring the immeasurable and unceasing love of God for the earthly creature whom he has created for friendship, for communion with himself.

This is a call to action for the active participation in the promotion of the culture of life and the affirmation of human life based on the principle of the sanctity of life. The pope called for a new approach to evangelization, which should consider the laws that safeguard the dignity of human life. John Paul II himself, in the encyclical, stated:

“The Gospel of life is at the heart of Jesus’s message. The mission of proclaiming the Gospel of life in the world and to every creature..... is especially pressing because of the extraordinary increase and gravity of threats to the life of individuals and peoples, especially where life is weak and defenceless.”⁹¹⁹

The present project realised the need for new evangelisation, as advocated by Pope John Paul II. The mission of the Church and each person has to be directed towards the reduction of new threats to human life, particularly the life that is weak and defenceless.⁹²⁰ Children who are born with disabilities belong to a group of human life that is weak, defenceless and needing protection.⁹²¹ In view of the above advocacy by Pope John Paul II and his new message of evangelisation, the research project considered the document as one of the main documents of the Social Teaching of the Roman Catholic Church that could potentially get every person of good will to become involved in the action towards the promotion of the culture of life and the affirmation of the sanctity of human life. It is in this context that the document is crucial for the current project.

4.8.1. SANCTITY OF LIFE: A CORE PRINCIPLE OF HUMAN DIGNITY IN EVANGELIUM VITAE

Evangelium Vitae is phenomenal evangelical letter that directly addresses the existential reality that is the subject matter of the research project. It is evangelical in its essence, dealing with core issues of human life. It is a forceful statement of the Church that denounces directly the current existing culture of death that promotes the direct and voluntary killing of innocent human life, in this case, disabled children. The encyclical letter begins with a very striking text:

“Time passed and Cain brought some of the produce of the soil as an offering for Yahweh while Abel for his part brought the first born of his flock and some of their fat as well. Yahweh looked with favour on Abel and his offering. But he did not look with favour on Cain and his offering and Cain was very angry and downcast. Yahweh asked Cain why are you angry and downcast....

⁹¹⁹ *Evangelium Vitae*, Art. No. 80.

⁹²⁰ *Ibid.* 7-9.

⁹²¹ *Ibid.*

Cain set on his brother Abel and killed him. Yahweh asked Cain, where is your brother Abel? What have you done? “⁹²²

The murder of Abel by his own brother Cain is a profound statement that reiterates and affirms the reality of the presence of the evil forces that builds up the culture of death in our society. Infants who are born acutely disabled are often the victims of the culture of death. The encyclical in this regard provides certain Christian values for the families that face the moral quandaries of this nature. It provided the legal protection of unborn babies and sets moral statements on the protection of the rights of elderly people.⁹²³ The general trends that promote the destruction of human life, and the related deadly dynamics that bring harm to human life in general, prompted *Evangelium Vitae* to bring into perspective core theological principles that would counteract the theories and practices that bring about the destruction of human life.

John Paul II denounced any law that violated the natural rights of the life of any person, the deliberate decision to deprive any person of his or her life and the disposition of infants who are considered as unwanted.⁹²⁴ The encyclical letter used the theological principle, i.e. the sanctity of life principle, as a criterion in addressing the existential problem at hand. The sanctity of life principle is one of the dominant theological principles in the encyclical, upon which all human acts are weighed. The encyclical recognised that human life was sacred, as it constitutes the soul, which is the life-giving principle that makes human life unique, compared to any sort of life here on earth.⁹²⁵ Any form of threat to human life the natural sanctity of life principle. In the book of Genesis, Gen. 4:10, Cain and his brother Abel posed a serious moral question: “What have you done?” This was a clear indication of the eclipse of the intrinsic value of life. It showed the dawn of the sense of God as author of life and the sense of duty towards other people.⁹²⁶ Human life, in whatever form, is sacred and the encyclical builds and promulgated the theological principle, i.e. the sanctity of life principle, to create a healthy environment for all persons.⁹²⁷ The dignity of each person is based on the sanctity of life principle, that recognises the sanctity of all human life⁹²⁸. Each person’s life is sacred because it constitutes the soul that makes each person unique.⁹²⁹ We can affirm

⁹²² Genesis 4: 1-16 The text quoted this biblical text as a starting point of its exploration on the gospel of life.

⁹²³ *Evangelium Vitae*, Art. No. 73.

⁹²⁴ *Ibid.* Art. Nos: 57, 63 and 90.

⁹²⁵ *Ibid.*

⁹²⁶ *Evangelium Vitae*, Art. No. 10.

⁹²⁷ *Ibid.*

⁹²⁸ *The Catechism of the Catholic Church*, Article No. 1701-1709.

⁹²⁹ *Ibid.*

then that human dignity is rooted on the fact that our lives as human beings are sacred and the sacred component of human life brings about the idea of our responsibility towards the act of safeguarding human life. It calls for the inherent human rights that are meant to be advocated and adhered to, at all cost. One of the conflicting ideologies on the principle that life is sacred is based on the reality of the soul as to whether children disabilities also have a soul. This is not part of the present research project. What is crucial to the current project is that the general theological principle, i.e. The sanctity of life principle, is enough reason to justify any theory that promotes and affirms human life. Per *Evangelium Vitae*, human life is sacred and it intrinsically needs protection and respect.⁹³⁰ The sanctity of human life principle is most dominant principle in the document. All other ethical and theological theories on human life are based on it. It is one of the core theological principles which the current project has taken as a reference point, on which it will establish a theology of human dignity for children with disabilities. The evangelical story of Cain and his brother Abel calls for the acknowledgement of certain perverse ideologies of human freedom, which prompts many people to deny disabled babies human identity. *Evangelium Vitae* as a gospel of life was an initiative to raise social awareness in defence of life, the lives of all people. It is a counter- cultural move against any assault on human life, particularly the life of defenceless people in society. It states that the culture of death contravenes the sanctity and inviolability of human life.⁹³¹ The encyclical raised the sense of moral obligation to honour each person as he or she is.

4.8.2. HOW RELEVANT IS EVANGELIUM VITAE IN RELATION TO THE EXISTENTIAL PROBLEM

The publication of *Evangelium Vitae* by Pope John Paul II was an appeal for conversion and a renewal of our social life in relation to the respect for the image of God innate in each person.⁹³² In his appeal, the Holy Father articulated words full of stimulating suggestions for the human efforts to change the situation of vulnerable people in the world.⁹³³ We can then affirm that he brought about, a renewed zeal for the appreciation of human life in its totality. There was a realization of the difficulties from some sectors of life to embrace change, at the

⁹³⁰ *Evangelium Vitae*, Art. Nos: 53-57.

⁹³¹ *Ibid.*

⁹³² *Evangelium Vitae*, Article No. 6. In this article, the Pope stated the vision of hope he had; saying: 'I wrote to all the members of the Church, the people of life and for life, I make this most urgent appeal that together we may offer this world of ours new signs of hope and work to ensure that justice and solidarity will increase and that a new culture of human life will be affirmed for the building of an authentic civilization of truth and love.

⁹³³ *Ibid.*

same time, the people of God were empowered to review the social and legal situation facing children with disabilities.⁹³⁴ It is from this vantage point that the encyclical letter is still valid and relevant today in the world specially in Africa where the plight of children with disabilities is still challenged. The Pope further stated;

“The Gospel of life is at the heart of Jesus ‘message. Lovingly received day after day by the Church, it is to be preached with dauntless fidelity as good news to people of every age and culture. Even amid difficulties and uncertainties, every person sincerely open to the truth and goodness can, by the light of reason and the hidden action of grace, come to recognize in the natural law written in the heart, the sacred value of human life from its very beginning until its end, and can affirm the right of every human being to have this primary good respected to the highest degree. Upon the recognition of this right, every human community and the political community itself is founded.”⁹³⁵

From this perspective, the current discourse is putting before us a challenge to the review our policies in the region and re-examine the medical practice that has failed our children with disabilities. The social life of our children with disabilities will be uplifted if review the demerits that affect the implementation of the norms that are provided. In the process of the defence for the vulnerable life of children with disabilities, the encyclical sets before us certain provisions that are practical in bring up a culture of life. There is an appeal for the change of mentality towards children with disabilities.⁹³⁶ Right from the beginning, if people change their mentality, then that is a positive sign of hope for the future of our children with disabilities.⁹³⁷ The pope further called all humanity to be agents of change and the Gospel of life as provisions from where we can start to affirm the life of children with disabilities.⁹³⁸ The act of abandoning, dumping or killing children with disabilities still forms one of the moral dilemmas of contemporary society. The implications on the Church and the future of humanity are profound. It compromises the dignity of the human person and derails integral human development. Christian values are highly challenged, posing a threat to the message of the Gospel itself.⁹³⁹ Scientific developments in the medical field and technology in general seem to have come with a different worldview on the reality of children with disabilities. This has brought about a unique human perception that considers various practical realities

⁹³⁴ Ibid.

⁹³⁵ Anderson, C.A., (2000), *Legislation and Jurisprudence in the United States and Canada with Regard for Respect for Human Life, A Paper Presented to the meeting of the Pontifical Academy for Life Meeting in February in Rome*, in <http://www.academivita.org/pdf/assemblies/06/evangelium-vitae-five-years-confrontation-with-the-society.pdf>, Paragraph 2, Posted on December 20, 21:09 GMT.

⁹³⁶ Ibid.

⁹³⁷ Ibid.

⁹³⁸ *Evangelium Vitae*, Article No. 4

⁹³⁹ Rosica, T., (2015), *Marriage and the Family: Humanity's Future*, in <http://www.saltandlighttv.org/blogfeed/getpost.php?id=66199&language=en>, Posted on September 29, 21:20 GMT.

of human life.⁹⁴⁰ The evolutionary progression in the change of perception towards infants born with disabilities seems to put infants in the disadvantaged category, rendering them vulnerable. The encyclical discussed this reality at length. Such a negative mentality has created a wide gap regarding the way some scholars perceive issues of morality and the morality behind the denial of human identity of the infants who are born with disabilities.⁹⁴¹ On the broader level, there is no single consensus on the issue of human dignity and identity of children with disabilities though it seems that there is a clear justification for the elimination of children with severe disabilities⁹⁴². The justification implicitly lies on the fact that they are regarded as non-human hence they can be disposed of.⁹⁴³ They are perceived as unwanted and not worthy of living, since they are unproductive and do not possess the vital faculties of human life.⁹⁴⁴ Some of them possess certain features that put their human identity in doubt. The fact that some of them remain in a vegetative state raises serious moral questions of whether it is sensible to keep them living, particularly in the context of the economic hardships that render most families unable to cope with them.⁹⁴⁵ Observing the sociological perspectives from the first chapter, we note that many families residing in the rural settings, lack the economic and psychological tools to deal with the situation.⁹⁴⁶ It is out of this context that the situation of these infants promises to be one of the moral quandaries of our time. *Evangelium Vitae* came as a forceful statement on the question of moral questions of that nature and it provided critical theological principles against the existence of the culture of death.⁹⁴⁷ We therefore argue that the encyclical letter is still relevant today considering the volatile situation facing children with disabilities. It is there to inform and form society on certain issues that pertinent to the life of children with

⁹⁴⁰ Ibid.

⁹⁴¹ Ritchie, M., (2013), *Children Born with Disabilities: How Families Respond*, in *Child Research Net Journal* in <http://www.childresearch.net/papers/rights/2013-01.html>, Posted on May 10, Children's Rights and Well-being, Assessed on December 20, 11:19 GMT.

⁹⁴² Ibid.

⁹⁴³ Anderson, C.A., (2000), *Legislation and Jurisprudence in the United States and Canada with Regard for Respect for Human Life, A Paper Presented to the meeting of the Pontifical Academy for Life Meeting in February in Rome*, in <http://www.academiavita.org/pdf/assemblies/06/evangelium-vitae-five-years-confrontation-with-the-society.pdf>, Paragraph 2, Posted on December 20, 21:09 GMT.

⁹⁴⁴ Ibid.

⁹⁴⁵ Ibid.

⁹⁴⁶ Read chapter one on the socio-economic and political situation of KwaZulu-Natal as out-lined in this discourse.

⁹⁴⁷ *Evangelium Vitae*, Article No.4. The article further states that unfortunately, this disturbing state of affairs, far from decreasing, is expanding: with the new prospects opened by scientific and technological progress there arise new forms of attacks on the dignity of the human being. At the same time a new cultural climate is developing and taking hold, which gives crimes against life a new and if possible even more sinister character, giving rise to further grave concern: broad sectors of public opinion justify certain crimes against life in the name of the rights of individual freedom and on the basis they claim not only exemption from punishment but even authorization by the state, so that these things can be done with total freedom and indeed with the free assistance of health care systems.

disabilities. The existential realities of children with disabilities persistently rock society and pose a crucial moral dilemma. There are still families who are frustrated due the birth of a child with disabilities and they might be considering child abandonment, dumping or killing of the children with disabilities since they frustrate the aspirations of the parents, who regard them as unwanted children. John Paul II wrote the encyclical letter as a means of assisting couples, families, parents, the Church, and society at large, on how to deal with certain realities of life, namely moral dilemmas.⁹⁴⁸ It intended to bring about a message of hope for families and the infants themselves. The stand of *Evangelium Vitae* is clear. It is against any act of the deliberate killing of innocent human life and any other legal acts related to it.⁹⁴⁹ The encyclical upholds the sanctity of human life, in whatever form, thereby preserving the inherent right to life of any person.⁹⁵⁰ The contemporary situation presents the existential condition of children with disabilities to be one of the most vulnerable groups of people in society citing that some children with disabilities are abandoned, dumped or sometimes killed.⁹⁵¹ The encyclical is therefore still relevant and it reminds us of the sanctity of human life, upon which the theological principle of human dignity rests and is grounded. Therefore, the sanctity of life principle ought to be one of the basic principles on all issues of morality. It sets a good moral platform on which to build a theology of human dignity in the context of the human situation of children with disabilities in KwaZulu-Natal.

4.10. THEOLOGICAL EVALUATION OF THE VARIOUS CONCEPTS OF HUMAN DIGNITY IN REFERENCE TO GAUDIUM ET SPES AND EVANGELIUM VITAE

The current chapter has dealt with the various concepts of human dignity, as presented by the various schools of thought. It examined three major theological resource materials on the dignity of the human person, namely: The Pastoral Constitution of the Church in the Modern World, known as “*Gaudium et Spes*”, as out-lined in the Council documents of the Second Ecumenical Council of the Vatican,⁹⁵² Pope John Paul’s encyclical letter known as “*Evangelium Vitae*” and the theological thoughts of St. Thomas Aquinas on human dignity. Aquinas was a brilliant and influential theologian of mediaeval times.⁹⁵³ We discussed his

⁹⁴⁸ Ibid. Article No. 18.

⁹⁴⁹ Ibid. Article No. 29ff.

⁹⁵⁰ Ibid.

⁹⁵¹ Health Systems Trust, (2016), *Thousands of Children being Dumped in SA*, in <http://www.hst.org.za/news/thousands-children-being-dumped-sa>, in Mail and Guardian Publication, Department of Social Development, Posted on December 20, 22:06 GMT.

⁹⁵² Flannery, A., (Ed), (1975), Vatican Council II: The Conciliar and Post Conciliar Documents: Pastoral Constitution on the Church in the Modern World “*Gaudium et Spes*”, 7 Dec. 1965. 903-1014.

⁹⁵³ McBrien, R.P., (1989), *Catholicism: Study Edition*, London: Winston Press, 460-464.

major theological thoughts and contribution concerning human dignity and how his theological views are still relevant today.

The project will now briefly evaluate the various concepts of human dignity and outline the dominant concepts that strongly influence people's perceptions towards children with disabilities. The different concepts will be evaluated in reference to the main theological theories upon which the main teachings of the Roman Catholic Church are based. Some of the concepts that were discussed in the previous chapter were human dignity as an ethical concept, human dignity as a concept in the African anthropological and cultural debate, human dignity as a right, human dignity as freedom, human dignity as responsibility, human dignity as equity and human dignity as natural law.

4.10.1. HUMAN DIGNITY AS AN ETHICAL CONCEPT

The dominant theological theory of *Gaudium et Spes* on human dignity is human dignity as an image of God.⁹⁵⁴ *Evangelium Vitae* gave us the theory of human dignity principle that is based on the sanctity of life.⁹⁵⁵ The two theological principles upon which the two documents are based are human dignity as an image of God and the sanctity of life principle. Both principles are Biblical and rooted in the creation story of the human person.⁹⁵⁶ Human beings were created in the image and likeness of God.⁹⁵⁷ Human life was sanctified by the ensoulment of the life-giving principal, i.e. the human soul, which makes each person unique and identical to our creator.⁹⁵⁸ In reference to human dignity, St. Thomas Aquinas affirmed, that through our human reasoning and faith, we are capable of acknowledging the truth that we were created in the image and likeness of God, hence the sanctity of life.⁹⁵⁹ Creation of the human person in the image and likeness of God and the sanctity of life principle are basic fundamental realities that put human life at a higher level. It is no longer ordinary life like plant or animal life but life that is sacred, implying that it is the life of God himself.⁹⁶⁰ The integrity and dignity of the human person is based on the above relational

⁹⁵⁴ Vatican Council II, (1965), *Constitution on the Church in the Modern World*, “*Gaudium et Spes*”, Article: 12.

⁹⁵⁵ John Paul II, (1995), Encyclical Letter, “*Evangelium Vitae*”, Article: 52-53.

⁹⁵⁶ *The Catechism of the Catholic Church*, Article Nos. 1700-1709.

⁹⁵⁷ *Ibid.* Article No. 1701.

⁹⁵⁸ *Ibid.* Article No. 1703.

⁹⁵⁹ Nicholas, A., (2002), *Discovering Aquinas: An Introduction to his Life, Work and Influence*, London: Darton. Longman and Todd, 56. In the *Scriptum Super Sententiis*, Thomas declared that in the procession of creatures there are two things to consider with respect to the creator himself namely: the divine nature from whose fullness and perfection of every creature is both effected and copied and the divine will from whose liberality and not by the necessity of nature, all these things are conferred on the creature.

⁹⁶⁰ *The Catechism of the Catholic Church*, Article No. 1700.

principles. In consideration to the concept of human dignity as an ethical concept on its own, we come to recognize that there are flaws hence on its own, it cannot stand to be the basis of theology of human dignity. It only makes meaning if it is associated with the sanctity of life principle, or creation in the image of God, it is subject to manipulation. Regarding its flaws and limitations, the project would not consider it as a true platform upon which we ought to formulate a theology of human dignity, particularly for children with disabilities. In Africa, as well as at the international level, the concept of human dignity as an ethical concept has not reached a general consensus regarding its objective meaning.⁹⁶¹ It has been manipulated and used subjectively in order to achieve personal interest or the needs of a particular group of people.⁹⁶² In this case, it has shown that it can be exclusive, in the sense that while an individual or a particular group of people is pursuing an intended good, it is done at the expense of other people who are incapable of participation in the pursuit of the intended good. On moral grounds, the concept of human dignity as an ethical concept may help us to attain certain goals, but to be considered as the based upon which to develop a theology would be a lofty situation that would compromise certain basic human and Christian values.

4.10.2. HUMAN DIGNITY AS A CONCEPT IN THE AFRICAN DEBATE

Human dignity in an African context has been understood differently in comparison to Western ideas.⁹⁶³ In Africa, the communal element plays a major role in any scholarship or traditional debate over any issue. The “Ubuntu” philosophy is founded on the common understanding of the community.⁹⁶⁴ It is the community that decides and individuals simply execute community decisions. Individual trends of thought are always regarded as threats to the community, unless it is in time of need, when a person comes forward with a personal thought aimed at achieving the communal goal at other times individual thoughts may

⁹⁶¹ McCrudden, C., (2008), *Human Dignity and Judicial Interpretation of Human Rights*, in *The European Journal of International Law*, Oxford: EJIL, Volume 19, No. 4, 653-654. The Universal Declaration on Human Rights was pivotal in popularizing the use of dignity or human dignity in human rights discourses. This article argues that the use of dignity beyond a basic minimum core, does not provide a universalistic, principled basis for judicial decision-making in the human rights contexts, in the sense that there is very little common understanding of what dignity requires substantively within or across jurisdictions. The meaning of dignity is context-specific varying significantly from authority to authority.

⁹⁶² Ibid.

⁹⁶³ Botha, H., (2009), *Human Dignity in Comparative Perspective*, Stellenbosch: University Press, 171. Human dignity has become an integral part of the vocabulary of comparative constitutionalism. Not only is the right to dignity proclaimed in national constitutions and international human rights instruments but it is asserted with increasing frequency that dignity is the basis of all human rights and should be used as a guide to their interpretation. From a South African perspective, human dignity is tied to what they call Ubuntu moral theory implying a collective effort for morality.

⁹⁶⁴ Battle, M., (2009), *Ubuntu: I in You and You in Me*, New York: Seabury Books, 1.

largely be perceived as intruding or probing too much into community issues.⁹⁶⁵ In this regard, human dignity is often defined and determined by the community. In most cases, communal beliefs heavily influence community issues.

In an African context, there is a belief in the existence of witchcraft and evil spirits who bring bad omens into families.⁹⁶⁶ When a child is born, it becomes a community activity of celebrating the existence of one more new life that would sustain the clan, tribe, and a group of people. The child therefore becomes a blessing to the community. In response to the birth of a child, the community immediately organizes certain family rituals as means of welcoming and introducing the child into particular cultural beliefs and settings.⁹⁶⁷ The child is then accorded a proper human dignity status by bringing the child to start undergoing the rites of passage rituals befitting the age of the child.⁹⁶⁸ In the context of the birth of a child with disabilities, most African beliefs clearly associate such anomalies with the work of evil spirits or witchcraft.⁹⁶⁹ In most cases, the child with disabilities would not be allowed to mix with other children, in fear of transmitting the bad omen to the others. The child is considered a curse in the family.⁹⁷⁰ There is also a common understanding that the child itself might have been born as a witch. The community ought to dispose of it before it can start operating in the family. In the first place, human identity is denied to the child with disabilities. The traditional midwives, upon examining this child, i.e. at the point of birth, unanimously and secretly do away with the child with disabilities and to cover up the saga, a miscarriage report is sent to the elders.⁹⁷¹ The fact remains that the child is denied human dignity and integrity due to its defects. This is common practice in most African cultures.

About the two fundamental principles of human dignity as presented in *Gaudium et Spes* and *Evangelium Vitae*, namely human dignity as an image of God and the sanctity of life principle, we see that, in the African context, the debate on human dignity is biased in certain circumstances where cultural beliefs in witchcraft override Christian traditions and values. In the context that the community mindset, based on cultural traditions, could sanction the termination of human life, this is tantamount to the total disregard of the sanctity of life.

⁹⁶⁵ Ibid.

⁹⁶⁶ Bourdillon, M.F.C., (1991), *Religion and Society: A Text for Africa*, Gweru: Mambo Press, P. 195- 219.

⁹⁶⁷ Ibid.

⁹⁶⁸ Ross, E., (2010), *African Spirituality, Ethics, and Traditional Healing – Implications for Indigenous South African Social Work Education and Practice*, in a *Journal SAJBL*, Johannesburg: Department of Social Work, School of Human and Community Development, Volume 3, No. 1, 44.

⁹⁶⁹ Ibid.

⁹⁷⁰ Ibid.

⁹⁷¹ Ibid. In Africa, we still have latent beliefs i.e. there are a lot of things that are done and kept as tribal secrets only comprehensible to cultures.

Such instances are common in secretive circles of certain cultures. Cultural beliefs over-ride and compromise basic Christian beliefs that would protect and sustain the life of the child. Unfortunately, the project could not consider such debates in the process of the formulation of the theology of human dignity for disabled children.

4.10.3. HUMAN DIGNITY AS A RIGHT

Human dignity as a right is one of the dominant concepts that every individual person and the society at large is aspiring for.⁹⁷² Human rights have been pivotal in the establishment of law and order in society. Unfortunately, in certain quarters, the human person still suffers from different sorts of abuses. The inherent right to life is heavily compromised hence children who are born with acute physical and mental disabilities make up one of the major groups of those who are the most vulnerable due to human rights abuses.⁹⁷³ Human rights would be meaningless if they were not rooted and grounded on the sanctity of life principle and on the principle that human beings were created in the image and likeness of God, which gives them human dignity.⁹⁷⁴ Human dignity as a right would be limited to suffice for the promulgation of a theology of human dignity. At the same time, it is one of the strongest concepts that realises the core meaning of being created in the image of God. It strongly accomplishes the goals of the sanctity of life principle. It would therefore contribute positively to the formulation of a theology of human dignity. It has a universal touch that is attributed to the sanctity of life and being created in the image of God.

4.10.4. HUMAN DIGNITY AS FREEDOM AND RESPONSIBILITY

Human dignity as freedom and responsibility is a basic ethical concept that directly points to human dignity as a right.⁹⁷⁵ As human beings, we possess the intellectual faculty that helps us to know and at the same time, we have been created in the image and likeness of God, possessing the freewill that enables us to do things that we want to do.⁹⁷⁶ We have the capacity to use freewill in our best interest though to some extent our freewill is limited, to a certain degree, by the element of duty.⁹⁷⁷ As long as we claim our rights when they are abused, we also have a duty to act in a responsible manner. Freedom and responsibility as

⁹⁷² McCrudden, C., (2008), *Human Dignity and Judicial Interpretation of Human Rights*, in *The European Journal of International Law*, Oxford: EJIL, Volume 19, No. 4, 653-654.

⁹⁷³ Ibid.

⁹⁷⁴ Mallia, P., (1981), *On Human Rights*, Nairobi: St. Paul Publications Africa, 7.

⁹⁷⁵ McCrudden, C., (2008), *Human Dignity and Judicial Interpretation of Human Rights*, in *The European Journal of International Law*, Oxford: EJIL, Volume 19, No. 4, 653-654.

⁹⁷⁶ *The Catechism of the Catholic Church*, Article No. 1700-1709.

⁹⁷⁷ Ibid.

ethical concepts are key realities that determine and moderate our morality.⁹⁷⁸ They are means to achieve the common objective.

Freedom and responsibility ought to play a major role in the formulation of a theology of human dignity. They are partly dominant in other forums, unfortunately they have often been abused, to the detriment of the lives of innocent people in society. Freedom has been a tool for most people in the process of pursuing subjective good, but has sometimes resulted in a situation of hate and suffering.⁹⁷⁹ The project therefore ought to be extra cautious and prudent in the manner of using these ethical concepts, as they can mislead the current scholarship, to a certain degree. All the same, such concepts are indispensable ones, in the sense that we cannot do without them. The project will utilize them as backing points for a theology of human dignity.

4.10.5. HUMAN DIGNITY AS EQUITY AND NATURAL LAW

Human dignity as equity and natural law are mostly of the most over-looked concepts, yet they contain rich ideals that would ameliorate for most of our problems in society today.⁹⁸⁰ Equity implies giving someone what he or she needs. The emphasis is on one's needs and not what someone wants. As human beings, unique as we are, we have different needs that are necessary for our lives. For instance, children with disabilities have special needs specific for them to live a good life. They deserve special medical and social treatment. Their lives can only be sustained by others.⁹⁸¹

Equality is different from equity, even though we are all equal in terms of human dignity.⁹⁸² We are all equal in the sense that we are all created in the image and likeness of God and that our lives are sacred.⁹⁸³ This is common to all human beings. In terms of equity, we do not need equal treatment to live. Other people, in consideration of their condition, they need

⁹⁷⁸ Häring, B., (1963), *The Law of Christ*, Freiburg: The Mercier Press Ltd, Vol. One, 47.

⁹⁷⁹ Ibid. 108-111.

⁹⁸⁰ Harris, J. and Sulston, J., (2004), *Genetic Equity, in Nature Reviews Genetics*, in <http://www.nature.com/nrg/journal/v5/n10/full/nrg1454.html>, Posted on February 5, Cited on 03:10 GMT. The paper proposes, elaborates, and defends a principle of genetic equity. In doing so it articulates, explains, and justifies what might be meant by the concept of human dignity clearly, defensible, and consistent with, but different as, the plethora of appeals to human dignity found in contemporary bioethics, and particularly in international instruments on bioethics. We propose the following principle of genetic equity: humans are born equal; they are entitled to freedom from discrimination and equality of opportunity to flourish; genetic information may not be used to limit that equality.

⁹⁸¹ Pais, J., (1991), *Suffer the Children: A Theology of Liberation by a Victim of Child Abuse*, New York: Paulist Press, 23. Janet Pais quoted Mark 9:36-37: "And he took a child and put him amid them and taking him in his arms, he said to them, whoever receives one such child in my name receives me and whoever receives me, receives not me but him who sent me."

⁹⁸² Harris, J. and Sulston, J., (2004), *Genetic Equity, in Nature Reviews Genetics*, in <http://www.nature.com/nrg/journal/v5/n10/full/nrg1454.html>, Posted on February 5, Cited on 03:10 GMT.

⁹⁸³ *The Catechism of the Catholic Church*, Article No. 1700-1709.

more treatment and attention than others. This does not mean denying others their rights, rather it is a way of responding to the call of natural justice. Nature has presented to us certain realities that simply need more attention.

This links well with natural law i.e. the unwritten law inscribed in our hearts.⁹⁸⁴ As human beings, we have conscience, the inner divine faculty that helps us to make choices.⁹⁸⁵ In this case, when we are confronted with the birth of a child with disabilities, we do not need the written law to know that doing away with this child is wrong. We only need our well-informed conscience, the unwritten law, i.e. natural law, to know that the child needs support to live. Human dignity as equity and law are vital tools that could enrich the project to formulate an excellent theology of human dignity for disabled children. Human dignity as equity and natural law are unique compared to the sanctity of life principle and the image of God. They are not Biblical in outlook and have the potential to attract a wide range of followers. The research project will strongly consider their ideal values and incorporate them in the formulation of a theology of human dignity for children with disabilities.

4.9. THOMISTIC VIEW OF HUMAN DIGNITY: THE PERMISSIBILITY OF TAKING THE INNOCENT LIFE OF THE CHILD

Aquinas was a theologian and a philosopher, whose thoughts still exist in most of the Church's teachings.⁹⁸⁶ Aquinas combined the two distinct realities, faith and reason, saying that, even though many Christian doctrines are impossible to establish by reason, they are not contrary to reason and they still reach us through revelation.⁹⁸⁷ Aquinas acknowledged the acquisition of knowledge through natural reason alluding to natural laws.⁹⁸⁸ Thomistic thought dates back from the pagan philosophy of Socrates, who held that neither he nor anyone else had the power to force opinions on another.⁹⁸⁹ As a philosopher, Socrates' greatness stemmed from his unalterable love for his fellow men, his sense of duty and his

⁹⁸⁴ CCC, Art. No. 1776.

⁹⁸⁵ Ibid, Art. No. 1777.

⁹⁸⁶ Aquinas' major works constitute, commentaries on the Bible and discussions of Aristotle's writings on natural Philosophy, a commentary on scholastic theologian Peter Lombard's Four Books of Sentences, he then wrote *Impugnantes Dei Cultum et religionem* i.e. *Against Those Who Assail the Worship of God and Religion*. The famous works of Aquinas was *Summa Theologica* a largely philosophical in nature which was followed by *Summa Contra Gentiles*. His theological and philosophical writings rose to great public acclaim and reinforced strong following among the Medieval thinkers of Scholasticism.

⁹⁸⁷ Pope Benedict XVI, (2014), in <http://catholicexchange.com/saint-thomas-aquinas>, Posted on January, 28, 15:30 GMT.

⁹⁸⁸ Ibid.

⁹⁸⁹ Jacque, L.D., (2011), *The Death of Socrates* in *Advanced Magazine of the Advanced Organization of Saint Hill Europe*, Issue 184, *Why was Socrates Really Killed?* Copenhagen: Church of Scientology Advanced Organization Saint Hill Europe, 6-13.

uncompromising ethical and moral presence.⁹⁹⁰The stand of Socrates became an anchoring block upon which Aquinas built his theology.

Modern scholarship acknowledged that it was Aquinas who reconnected the ancient classical philosophy of Socrates, Aristotle and Platonic idealism to the contemporary thought on reason, in relation to the Christian faith.⁹⁹¹ As Benedict XVI had stated, the encounter of Aquinas with pre-Christian philosophy of Aristotle opened up a new perspective of theology.⁹⁹² The then contemporary reality showed that the Church was confronted with different pagan philosophers in which a complete unique vision of the world and human life was presented. Such philosophers still exist today and unique progressive ethical and theological theories still exists that weigh heavily on the life of the human person. It was Aquinas who somehow Christianised such pagan philosophical ideologies in the process of establishing his theological works that are preserved in the *Summa Theologica*. The current Social Teachings of the Catholic Church on matters related to euthanasia are still relevant today. The Congregation for the Doctrine of the Faith, on the declaration on euthanasia posed a serious social question: Is it ever permissible to kill an innocent person?⁹⁹³ The scholarly debate over such a question raised contrasting opinions. From the Christian perspective, such a question has an obvious answer. It would not be permissible to kill an innocent person.⁹⁹⁴ Contrary to this assertion, modern scholarship favours the idea of killing of an innocent person in certain circumstances.⁹⁹⁵ The understanding is that killing a person would be the better option for him or her and society, than to let this person live.⁹⁹⁶ This is based on the circumstances that a person is living in unredeemable pain and suffering. His or her condition, in principle, creates more suffering for those who are taking care of him or her. It might be more harmful to the parents, other siblings, and society if a person is left in that state. In similar instances, scholarship brought about the question of euthanasia.⁹⁹⁷ Applied to the current subject matter, it would be permissible to kill children with disabilities that are irreversible. The act would be in the best interest of the couples, the family and society.⁹⁹⁸

⁹⁹⁰ Ibid.10.

⁹⁹¹ Ahlquist, D., (2014), <http://www.chesterton.org/lecture> - 67, 2. 06/13/2014.

⁹⁹² Pope Emeritus, *Pope Benedict XVI General Audience at St Peters Square* Wednesday 16 June 2010.

⁹⁹³ The Sacred Congregation for the Doctrine of the Faith, (2001), *Declaration on Euthanasia*, in Neuner, J. and Dupuis, J., (Eds), *The Christian Faith in the Doctrinal Documents of the Catholic Church*, Bangalore: Seventh Revised and Enlarged Edition, Theological Publications, 992-993.

⁹⁹⁴ Ibid.

⁹⁹⁵ Kaczor, C., (Ed), (2013), *A Defense of Human Dignity: Creating Life, Destroying Life and Protecting the Rights of Conscience*, Notre Dame: University of Notre Dame Press, 7-10.

⁹⁹⁶ Ibid.

⁹⁹⁷ Dombrink, J.and Hillyard, D., (2001), *Dying Rights: The Death with Dignity Movement*, New York: Routledge Publishers, Chapter 1-2, 20-70.

⁹⁹⁸ Ibid.

A child is eliminated because he or she would not, or may not, even have the potential to comprehend anything at this level. Considering all the other factors related to the problem of raising a child with disabilities, most families would find a clear justification for abandoning, dumping, or killing children with disabilities. Contrary to the above reality, one of the factors that is over-looked is the fact that God has sovereign authority over life and death.⁹⁹⁹ Of course, Aquinas stated that we need to assess several options, namely the gravity of the act itself and the intrinsic nature of things, rather than just considering what is incidental to them.¹⁰⁰⁰

Regarding the intrinsic nature of things, this could include the trauma that the mother and the family of the child undergo in coping with the reality of life, particularly the life of a child with disabilities. In other cases, the child might have been suffering tremendously. On the emotional level of the family it would better put the child to eternal rest than to let things go on.¹⁰⁰¹ The nature of the act of killing would be horrible to hear, rendering it intrinsically evil. This is where the dilemma comes in. What ought to be the best option for the child, the mother, the family, and society? The state of being challenged calls for more love from others and this is what social justice is all about. Would killing a child with disabilities be considered as love for the child or love for the family, particularly the mother? St. Thomas stated that whoever kills an innocent child with disabilities, deprives the community of a greater good.¹⁰⁰² St. Augustine said, in affirmation of the statement, that he found no justification for the act of killing an innocent person: “I cannot bring myself to advise any people to kill others to prevent those others killing somebody, except in the case of a soldier or public servant who is doing this not for himself but for others, within the terms of authority duly given to him.”¹⁰⁰³

“Firmly rooted fully respectful of human dignity and, in every sense of the word, reasonable, by being the champion of God the creator against the heresy of the Manicheans who considered the physical world evil, St Thomas Aquinas ultimately defended God’s most precious and mysterious creation: life more than anything else.”¹⁰⁰⁴

Aquinas defended the dignity of the human person by challenging the existing ideology of the then ancient philosophy, which stated that the material world was evil, as the Manicheans

⁹⁹⁹ Ibid.

¹⁰⁰⁰ Ibid.

¹⁰⁰¹ Kaczor, C., (Ed), (2013), *A Defense of Human Dignity: Creating Life, Destroying Life and Protecting the Rights of Conscience*, Notre Dame: University of Notre Dame Press, 7-10.

¹⁰⁰² Ibid.

¹⁰⁰³ Ibid. 41.

¹⁰⁰⁴ Ahlquist, D., (2014), Posted on 29th January. 14:40 GMT. <http://www.chesterton.org/lecture - 67>. 2-3.

had advocated in the discussion above.¹⁰⁰⁵ Aquinas firmly affirmed God's most precious and mysterious creation, i.e. life, as something that is in its own right the objective good.¹⁰⁰⁶ Aquinas was actually opposing the idea that we could acquire or teach the truth through human rationality alone.¹⁰⁰⁷ With regard to disabled infants, human rationality would open up avenues where human identity of such infants would be disputed. Aquinas bridged the two distinctive realities, i.e. human rationality as lived and expressed in human sciences and theology as a science that makes use of faith in order to discover the truth.¹⁰⁰⁸ He advocated the harmony that ought to exist between the intelligibility of human sciences and the theological cognitive value of faith in all matters of morality.¹⁰⁰⁹ He insisted on the reality of nature and grace as moral truths transmitted by the Church.¹⁰¹⁰ In this regard, St Thomas Aquinas's emphasis on the dignity of human reason correlated well with his teaching on nature and grace, taking into account how reason, with its power, has a potential influence on the discernment of natural morals.¹⁰¹¹

The pontiff illustrated that, through the capacity to reason, one can discern what is good to do and what is bad, in the process of achieving happiness, which is in each one's heart and which imposes a responsibility towards others, hence reaching for a common good.¹⁰¹² Conversely, divine grace supports, sustains and drives the ethical commitment for each and every individual person to recognise the intrinsic value of human nature, as expressed in natural law.¹⁰¹³ This idea is the reciprocal collaboration of human rationality and faith as building blocks for the realisation of a theology of human dignity that would ensure the attainment of human integrity of the children who are born with acute physical and mental disabilities. The general perception ought to be that the essence of the individual person, no matter how and in whatever state or condition, ought to be understood as the synthesis of the totality of human creation, a creation in the image of God, expressed through the biological union of the male and female gametes that form a single but unique whole.¹⁰¹⁴ In order to

¹⁰⁰⁵ Shahan, R.W., and Kovach, F.J., (1976), *Bonaventure and Aquinas, Enduring Philosophers*, Oklahoma: Oklahoma university Press, 118-132.

¹⁰⁰⁶ Ibid.

¹⁰⁰⁷ Ibid.

¹⁰⁰⁸ Rosental, C.J., (2009), *The Reconciliation of Faith and Reason in Thomas Aquinas, Doctoral Dissertation*, University of Massachusetts, in <http://scholarworks.umass.edu/dissertations/AA13136773>, Posted on January 1, 00:16, GMT.

¹⁰⁰⁹ Ibid.

¹⁰¹⁰ Pope Emeritus, *Pope Benedict XVI's General Audience Address at St. Peter's Square*, 16th June, 2010.

¹⁰¹¹ ZENIT News Agency, (2012), *Pontiff Explains Why the Society Needs Aquinas Today*, in www.zenit.org/article - 29626, September, 22.

¹⁰¹² Ibid.

¹⁰¹³ Ibid.

¹⁰¹⁴ *The Catechism of the Catholic Church*, Article No. 1700-1709.

reach and achieve this knowledge, one ought to do away with certain personal ideologies, cultural prejudices and political and economic interests.

The realities of life, looked at from the notions expressed above, objectify the human person as a mere product of biological evolution that takes away the sense of duty and responsibility towards one another.¹⁰¹⁵ Therefore the human person, seen from Aquinas' perspective, ought to be at the heart of the whole social order. Aquinas emphasised the objective truth that holds human life to the highest level of all reality, while, the person himself or herself becomes the moral agent of human dignity.¹⁰¹⁶ As a moral agent, in Aquinas' view, the person ought to reach the truth through his or her potential to reason and, at the same time, be informed by faith, as transmitted by the Church.¹⁰¹⁷ Finally, we can conclude that St Thomas' legacy on the dignity of the human person ought to be the reciprocal synthesis of human rationality, informed by the divine faith as preserved and transmitted to us from the apostles through the Church.

4.11. CONCLUSION

The fourth chapter dealt mainly with the theological evaluation of the various concepts of human dignity, about the core principal theories as outlined in one of the documents of the second Vatican Council, entitled *Gaudium et Spes*, the encyclical letter of Pope John Paul II, entitled *Evangelium Vitae*, and the legacy of St. Thomas Aquinas, on the permissibility of taking the life of an innocent person. One of the central theological hypotheses found in *Gaudium et Spes* was based on the idea that the human person is created in the image and likeness of God, which was taken as a theological concept of human dignity that renders each person unique, deserving the inherent right to life at all costs. It is only when that image of God in each person is given special recognition that we can comprehend the fact that each person's life is sacred. God is the author of all life and taking away someone's life would be a direct violation of the natural order of human life. The image of God as a basic concept of human dignity in *Gaudium et Spes* acted as a reference point upon which other concepts outlined in the third chapter were evaluated.¹⁰¹⁸

The research acknowledged certain dominant concepts that could be taken into consideration when formulating the theology of human dignity for disabled children. The project

¹⁰¹⁵ Ibid.

¹⁰¹⁶ Rosental, C.J., (2009), *The Reconciliation of Faith and Reason in Thomas Aquinas*, Doctoral Dissertation, University of Massachusetts, in <http://scholarworks.umass.edu/dissertations/AA13136773>, Posted on January 1, 00:16, GMT.

¹⁰¹⁷ Ibid.

¹⁰¹⁸ *Gaudium et Spes*, Art. No. 12.

considered the fact that the church acts as the conscience of society, by putting emphasis on the primacy of moral values enshrined in its social teachings. The second part of the chapter studied Pope John Paul II's encyclical letter, entitled *Evangelium Vitae*. One of the most dominant theological concepts of human dignity in *Evangelium Vitae* is the sanctity of life theory, which intrinsically renders human life sacred.¹⁰¹⁹ It was based on the concept of human dignity as an image of God through creation.

The project acknowledged the contemporary relevance of the encyclical letter since it is critical to all forms of threats to human life. Finally, the chapter considered the legacy of St. Thomas Aquinas, by pointing out how faith and reason are vital resources in reaching the truth. Thomistic legacy posed an ethical and moral question on the permissibility of taking the life of an innocent person.¹⁰²⁰ The justification of the act of taking away someone's life could be weighed based on these two concepts, namely: being created in the image and likeness of God and that human life is sacred. Faith and reason are tools to be used to achieve the intended goal, the truth. The truth is that human life is sacred because God had intended it that way, right from the beginning of human life. Based on the evaluation above, we will respond to the central question of the project in the fifth chapter. The central question stated: What is the central theological framework of human dignity that is found in the social teaching of the Roman Catholic Church that could best respond to the current existential problem?

In view of the central research question presented in the thesis proposal, the fifth chapter will respond by considering the dominant concepts of human dignity as they progressed in the debate. The chapter will identify the theological framework of human dignity that has been consistent in the present work. It will formulate a theology of human dignity based on the dominant concepts presented in the previous chapters. The dominant concepts of human dignity in relation to the social teaching of the Roman Catholic Church, as enshrined in the two main documents, *Gaudium et Spes*, and *Evangelium Vitae* will account for the construction of a theology of human dignity for children who are born with acute physical and mental abnormalities in KwaZulu-Natal, South Africa.

¹⁰¹⁹ *Evangelium Vitae*, Art. No. 53.

¹⁰²⁰ McCormick, R.A., (1989), *The Critical Calling: Reflections on Moral Dilemmas since Vatican II*, Washington DC: Georgetown University Press, 16.

CHAPTER FIVE

5. FORMULATION OF A THEOLOGY OF HUMAN DIGNITY THAT IS GROUNDED ON THE SOCIAL TEACHING OF THE ROMAN CATHOLIC CHURCH THAT IS RELEVANT FOR CHILDREN WITH DISABILITIES IN KWAZULU-NATAL, SOUTH AFRICA

5.1. INTRODUCTION

Chapter one explored the existential reality of the human situation of children with disabilities. The second chapter gave an outline of the various possible reasons why infants are abandoned, dumped, or killed. The third chapter established the scientific research question, which dealt with the different perceptions and understanding of the concept of human dignity. The assumption is that the misunderstanding of the concept of human dignity has partly played a major role in people's perception towards children with disabilities. The implications behind the various concepts of human dignity weighed heavily on the weak and those who cannot defend themselves. As previously noted, children with disabilities belong to the category of those who are weak and defenceless. They are one of the most vulnerable groups of people in society. The various notions of human dignity indicated to some degree the extent to which they influence human action, particularly when a child with disabilities is born. The fourth chapter examined the various concepts of human dignity and outlined dominant concepts which have a noticeable bearing on the human mind. In this chapter, various concepts were examined and evaluated in relation to children with disabilities. The evaluation was based on the theological concepts of human dignity outlined in *Gaudium et Spes* and *Evangelium Vitae i.e.* as image and likeness of God and sanctity of life theory respectively. These two documents represent the teaching of the Roman Catholic Church, as promulgated in the Social Doctrine of the Church, which constitutes the Social Teaching of the Roman Catholic Church on questions of morality and faith.¹⁰²¹ The elimination of unwanted children is one of the major bioethical issues of our time.¹⁰²² The current project is directed towards establishing a theology of human dignity, based on what the Roman Catholic Church teaches in her social encyclicals. This is the underlying basis for making

¹⁰²¹ Pontifical Council for Justice and Peace, (2004), *The Social Doctrine and the Personalist Principle in Compendium of the Social Doctrine of the Church*, Nairobi: Pauline's Publications Africa, 61-86.

¹⁰²² Congregation for the Doctrine of the Faith, (2008), *Dignitas Personae, Instruction on Certain Bioethical Questions*, Vatican: Article No.3-4. In recent decades, medical science has made significant strides in understanding human life in its initial stages. Human biological structures and the process of human generation are better known. These developments are certainly positive and worthy of support when they serve to overcome or correct pathologies and succeed in re-establishing the normal functioning of human procreation. On the other hand, they are negative and cannot be utilized when they involve the destruction of human beings or when they employ means which contradict the dignity of a person or when they are used for purposes contrary to the integral good of mankind.

the two documents reference points and guides to the evaluation of the various concepts of human dignity which, finally, will act as a platform on which the formulation of a theology of human dignity will be based. Having discussed the existential problem, establishing the scientific research problem which dealt with the various paradigms of the concept of human dignity and their implications, *Gaudium et Spes* and *Evangelium Vitae* became the main resource materials. The documents gave insight into the proper understanding of the various concepts of human dignity. Therefore, in view of the wide theological discussion, the fifth chapter will formulate a theology of human dignity for children with disabilities. Chapter five will consider the central theological normative of human dignity, as given in the social teaching of the Roman Catholic Church, given in *Gaudium et Spes* and *Evangelium Vitae*. In the process, the chapter will consider one of the basic elements, i.e. “what determines the value of a person’s life?” Is it the mere fact of the preservation of human life or it is based on the understanding that a child with disabilities ought to be relieved from suffering and pain? The chapter will deal with the question of the permissibility and the justification of killing a child with disabilities. Finally, having considered all the variables involved, the project will formulate a theology of human dignity which will consider integral human development at large and a theology that would be meaningful and proper to children with disabilities.

5.2. THE CENTRAL THEOLOGICAL NORMATIVES OF HUMAN DIGNITY IN THE SOCIAL TEACHING OF THE CATHOLIC CHURCH

We have the basic human values delineated in the Social Teaching of the Roman Catholic Church upon which we based our arguments and from which we drew our moral authority. Some of the central theological normative of human dignity were established right from the Biblical creation story in the book of Genesis.¹⁰²³ Further to the creation narrative, it presented to us the existential reality of original sin, which has, throughout the ages, had an enormous impact on the human being.¹⁰²⁴ By implication of the original sin as Paul stated, the tendency to do evil has, to some degree, stimulated people to abandon, dump or kill their own children who have been regarded as unwanted in the

¹⁰²³ Pontifical Council for Justice and Peace, (2004), *The Social Doctrine and the Personalist Principle in Compendium of the Social Doctrine of the Church*, Nairobi: Pauline’s Publications Africa, 61-86. Article No. 108 talks about a human person as the ‘Imago Dei’ saying that the fundamental message of Sacred Scripture proclaims that the human person is a creature of God and sees in his/her being in the image of God the element that characterizes and distinguishes him/her. God places the human creation at the centre and summit of the created order. Being in the image of God, the human person possesses the dignity of a person who is not just something but someone.

¹⁰²⁴ Ibid. Article No. 115 states that this marvellous vision of man’s creation by God is inseparable from the tragic appearance of original sin. With a clear affirmation, the Apostle Paul sums up the account of man’s fall contained in the first pages of the Bible saying: ‘Sin came into the world through one man and death through sin.’ Romans 5:12.

family. From the creation story of Adam and Eve, we come to realize the first theological normative, i.e. the sovereignty of God as the source of all that existed.¹⁰²⁵ The sovereignty of God entails the limited power and authority of all human institutions.¹⁰²⁶ In this case, God is presented as the Lord of all creation and the source of all exists. As human beings, whatever state we are in, we belong to God and it is only God who has absolute power over each one of us. We therefore have limited power and authority over even what we call our own child. To influence the end of someone's life would be an open challenge to the sovereignty of God over us. By extension, the sovereignty of God in this regard brings about the primacy of an individual person. This is based on Kant's idea of human dignity, which states that any person has an intrinsic worth which makes each person valuable.¹⁰²⁷ The normative above i.e. primacy of an individual person, indicated the inviolability of human life.¹⁰²⁸ No government or private institution may claim authority over someone's life, except in those legal cases where the person in question forfeits his or her own right to life, by committing crimes that are threats to other lives. There are other instances where someone's life may be taken indirectly e.g. when medical professionals are conducting a therapeutic operation that would result in the death of a child.¹⁰²⁹ These are exceptional cases, open to discussion, but anything outside such realms would be tantamount to the betrayal of human life. It is in this context that the sovereignty of God applies. The idea of God's sovereignty over us leads to one of the basic ethical principle regarding the patient's autonomy.¹⁰³⁰ Determining the fate of the child with disabilities would be regarded as an extreme violation of the child's inherent right to life.

Contrary to the above reality check from the theological point of view, the existential reality in KwaZulu-Natal remains crucial and challenging on a social level. The state of being physically and mentally disabled is critical bearing the socio-economic, political, and cultural dynamics of the region in contrast to the global phenomenon. The autonomy of the child with disabilities is compromised in some quarters of the region particularly some primary care-givers.¹⁰³¹ Persons with

¹⁰²⁵ *The Catechism of the Catholic Church*, Article No. 303. The witness of Scripture is unanimous that the solicitude of divine providence is concrete and immediate; God cares for all, from the least things to the great events of the world and its history. The sacred books powerfully affirm God's absolute sovereignty over the course of events.

¹⁰²⁶ Robbins, J.W., (2011), *The Ethics and Economics of Health Care in Biblical Medical Ethics*, Inc., Vol.8, Issue No. 2. In <http://www.bmei.org>, 2011/11/17, 07:54.

¹⁰²⁷ Kant, E., (2011), *The Idea of Human Dignity and Respect for Persons* in <http://www.wutsamada.com>, Chapter 10, 2011/11/16, 10:47am.

¹⁰²⁸ 'Primacy of an Individual Person': The Pro-Life Campaign Movement uses this phrase as a central animating claim that each human being is intrinsically equal in basic dignity, valuable and irreplaceable regardless of his/her age, size, location, race, sex, usefulness, burdensomeness to others, her/his lack of certain favoured physical or mental capacities or worth assigned to him/her. The discourse is also making use of this phrase in the same delineation of its meaning in relation to children with disabilities.

¹⁰²⁹ Congregation for the Doctrine of the Faith, (2008), *Dignitas Personae, Instruction on Certain Bioethical Questions*, Vatican: Article No.3-4.

¹⁰³⁰ Beauchamp, T.L. and Childress, J.F., (2009), *Principles of Biomedical Ethics*, New York: Oxford University Press, 6th Edition, 38-39. An agreement to respect another's right to self-determination of the course of action in full support of an independent decision making and best interest of the patient.

¹⁰³¹ Wegner, L. and Rhoda, A., (2015), *The Influence of Cultural Beliefs on the Utilization of Rehabilitation Services in a Rural South African Context: Therapists' Perspective*, in *African Journal of Disabilities*, 4(1), Article No. 128, 8, Sunningdale: University of Western Cape Publishers, 2-8. The theme of cultural beliefs as

disabilities were perceived to be less valuable in their communities or households if they were dependent on carers and could not continue contributing towards the household.¹⁰³² The implications of the situation have serious bearing on the families that are faced with the birth of a child with disabilities. Such a harsh setback causes trauma to the mother of the child, the family at large and even the medical profession, due to the lack of expertise, medication, and proper facilities for such contingencies.¹⁰³³ A traumatic life experience of this nature creates social and economic prejudice towards these infants, resulting in discrimination.¹⁰³⁴ The worldview of South African society in the face of the children with disabilities is alarming. Many people are disillusioned with the government's efforts and other relevant stakeholders who seem to have no interest in the affairs of infants who are born with disabilities.¹⁰³⁵ The limitedness of neonatal intensive care units in the region is enough evidence of this claim. Given such circumstances of life, many people are left in a quandary of having so many unanswered questions; such as should they assist the child with disabilities to die, or simply discard it so that it can die on its own somewhere? Unfortunately, children who are born with severe disabilities are categorised as non-persons.¹⁰³⁶ They are unwanted and are a burden to the mother, the family, and the community at large.¹⁰³⁷ This seems to be the general assumption, considering what happens when the child is born. From the above exploration, there is an indication that the frequent occurrence of the birth of a child with disabilities can be quite disturbing and unsettling experience for some families and other health professionals. Parents of the child with disabilities may undergo stages of grief, shock, denial, sadness, anger, self-pity, adaptation and reorganization.¹⁰³⁸ Elizabeth hinted at the fact that even the physician's attitude towards the newborn child with disabilities is critical in this case, given the circumstances of the family and the health situation of the child itself.¹⁰³⁹ The difficulty for the physician is to communicate to the parents the child's quality of life, which is substantially of negligible value to some extent. Treatment would, in

a barrier to rehabilitation emerged so strongly in every focus group discussion. Per therapists working in this area i.e. KwaZulu-Natal, cultural beliefs play a major role in the utilization of rural health services. In this specific Zulu community, different beliefs affecting rehabilitation services were identified namely: cultural beliefs preventing patients from accessing rehabilitation services and cultural beliefs affecting the rehabilitation process of the patient when utilizing the services.

¹⁰³² Ibid. Some people discriminate against moms who have children with disabilities because they are strange and they do not like having them in their cars..... it's not just money, its people's attitudes towards children with disabilities.

¹⁰³³ Legg, C. and Penn, C., (2013), *A Stroke of Misfortune: Cultural Interpretations of Aphasia in South Africa*, *Aphasiology* 27(2), 126-144 in <http://dx.doi.org/10.1080/026870/38.2012.684338>, Accessed on December 22, 22:08 GMT.

¹⁰³⁴ Wegner, L. and Rhoda, A., (2015), *The Influence of Cultural Beliefs on the Utilization of Rehabilitation Services in a Rural South African Context: Therapists' Perspective*, in *African Journal of Disabilities*, 4(1), Article No. 128, 8, Sunningdale: University of Western Cape Publishers, 2-8.

¹⁰³⁵ Ibid.

¹⁰³⁶ Maart, S., Eide, A.H., Jelsma, J., Loeb, M.E., and Toni, K., (2007), *Environmental Barriers Experienced by Urban and Rural Disabled people in South Africa*, in *Disability and Society Journal*, Durban: Community Health Sciences, 22(4), 357-369.

¹⁰³⁷ Bryce, R., *The Killing of Non-Person*, in *Biblical Medical Ethics, Inc.*, Vol. 4, Issue No. 3 in <http://www.bmei.org>, 2011/11/17, 07:47pm, 2.

¹⁰³⁸ Miola, E.S., (1987), *Down Syndrome: Update for Practitioners*, in *Pediatric Nursing*, Vol. 13, Issue No. 4, July/August Issue. 235.

¹⁰³⁹ Ibid.

this case, be fruitless and a waste of time and energy.¹⁰⁴⁰ In the long view, some physicians, mothers and siblings may develop negative feelings and attitudes, which often lead in the abandonment, dumping of the child in adverse conditions, where life is almost impossible, and sometimes the mother, in consultation with the midwives, may assist the child to die i.e. involuntary euthanasia by the use of any means available.¹⁰⁴¹ When families, and mothers in particular, are faced with the birth of a child with disabilities, their point of departure for many decisions made is based on the human level of thought attributed to medical doctors.¹⁰⁴² The anthropological and sociological settings play a major role in what would be considered as personal decisions made towards the child.¹⁰⁴³ Obviously, such moments are painful for the family. They realize their incompetence to deal with and handle the situation rendering it unworthy of their physical efforts. It is at this point where the sovereignty of God as a normative of human dignity comes into play. Prophet Isaiah said:

“For my thoughts are not your thoughts, neither are your ways, declared the Lord. As heavens are higher than the earth so are my ways higher than your ways and my thoughts than your thoughts.”¹⁰⁴⁴

It is this element that is more often missed i.e. God’s sovereignty, by some families and health professionals or they might even be part of the beneficiaries of that belief hence they do what is best for them. The understanding is that anything that is incomprehensible to human eyes and expertise in the medical profession is unredeemable.¹⁰⁴⁵ It is then relegated to a new perspective, where a life is rendered as non-human and only worthy of disposal. Such a move is tantamount to questioning God’s providence and sovereignty. What would be God’s purpose in allowing such realities of life to take place in such a difficult way? This

¹⁰⁴⁰ Ibid.

¹⁰⁴¹ Egan, A. (2008), *Should the State Support the Right to Die?* in *South African Journal for Bioethics and Law*, Johannesburg: December Issue, Volume 1, No. 2, 48. Per Egan, what makes the South African case particularly complex are conflicting themes in the Bill of Rights of the Constitution and the series of significant legal cases regarding assisted suicide and the withholding of treatment. Under South African Law, suicide and attempted suicide are legal but euthanasia and assisted suicide are not. See Hunt, P.M.A., (1972), *South African Criminal Law and Procedures, Volume II: Common – Law Crimes*. Cape Town: Juta. Despite the negative reaction from the public, the findings of the 1997 survey indicated that 12% of physicians had already helped terminal patients to die, 9% had performed physician-assisted suicide and 60% had practiced passive euthanasia by withholding medication or procedures.

¹⁰⁴² Ibid. In view of a child with disabilities who may be requiring extra-ordinary primary and medical care, some families or primary care givers simply withhold medication, feeding and any other procedures required for survival of the child as means of getting rid of the life of a child. Some children are starved to death.

¹⁰⁴³ Wegner, L. and Rhoda, A., (2015), *The Influence of Cultural Beliefs on the Utilization of Rehabilitation Services in a Rural South African Context: Therapists’ Perspective*, in *African Journal of Disabilities*, 4(1), Article No. 128, 8, Sunningdale: University of Western Cape Publishers, 2-8.

¹⁰⁴⁴ Isaiah 55: 8-9. NRSV.

¹⁰⁴⁵ Congregation for the Doctrine of the Faith, (2008), *Dignitas Personae, Instruction on Certain Bioethical Questions*, Vatican: Article No.3-4. In the current multifaceted philosophical and scientific context, a considerable number of scientists and philosophers in the spirit of the Hippocratic Oath, see in medical science a service to human fragility aimed at the cure of disease, the relief of suffering and the equitable extension of necessary care to all people. At the same time, however there are also persons in the world of philosophy and science who view advances in biomedical technology from an essentially eugenic perspective.

is a crucial theological question, which is mostly overlooked when we are dealing with cases of children with disabilities.

The doctrine of original sin is outlined in the book of Genesis.¹⁰⁴⁶ When a human being disobeyed God through the sin of Adam and Eve, the entire human race was plunged into what scholars called spiritual disability.¹⁰⁴⁷ Congenital anomalies are only one of the many manifestations of our being imperfect.¹⁰⁴⁸ According to McConnell, the reality of congenital defects ought not to cloud the fact that God, in his grace, could have definite purposes in mind when he allows a child with disabilities to be born.¹⁰⁴⁹ Further to the above point, McConnell outlined three possible purposes why God allows the birth of such a child:

“That a new- born child is a unique medium with which to be creative, not a problem to be solved; that every new -born child in such a state can teach the principle that human worth is not predicated on physical or mental wholeness; and that God allows new- born children to be born with physical and mental disabilities in order that the work of God might be displayed in the child.”¹⁰⁵⁰

5.2.1. A UNIQUE MEDIUM FOR CREATIVITY

Per McConnell, God allowed the existence of children with disabilities for a special purpose.¹⁰⁵¹ We note then that chance creates no one, rather there is something beyond human comprehension behind each person’s existence. Unfortunately, the birth of a child with disabilities puts the parents in a situation of confusion, sometimes even to the point of questioning God’s gratuitous providence.¹⁰⁵² No person would desire to have a child with disabilities though in a real -life situation, parents are often informed of the existence of

¹⁰⁴⁶ *The Catechism of the Catholic Church*, Article 385, Paragraph 7 states that that God is infinitely good and all his works are good. Yet no one can escape the experience of suffering or the evils in nature which seem to be linked to the limitations proper to creatures: and above all to the question of moral evil. In this sense, per Pope Paul VI (1968), On Original Sin, we hold that Original Sin is transmitted with human nature not by imitation but by propagation and that it is proper thus to everyone. The understanding here is not that the condition of children with disabilities is due to original sin rather it is understood in terms of our human limitation. We are all limited in a unique way. Children with disabilities are also in this sense limited in their own unique way hence none of us human beings can escape that reality. It is a reality associated implicitly with the original sin in the sense of being limited.

¹⁰⁴⁷ Ibid.

¹⁰⁴⁸ McConnell, C. (2011), *Managing Attitudes Towards Defective Newborns* in <http://www.bmei.org>, Vol. 2, Issue No. 1, 2011/11/17, 06:50pm, 3.

¹⁰⁴⁹ Ibid.

¹⁰⁵⁰ Ibid.

¹⁰⁵¹ Ibid.

¹⁰⁵² Hatun, O., Ince, Z., Birben, F.Y. and Yeni, G.K., (2016), *The Ticket to Heaven: A Spiritual Resource for Coping with Disabilities*, in *Spiritual Psychology and Counselling Journal*, Istanbul: Fatih Guidance and Research Centre, 212-213. Coping with the reality of disabilities can be either positive or negative. On the negative note, there is a sense of alienation from God by having a child with disabilities followed with the belief that God has abandoned them creating a feeling of hopelessness and disappointment. Some consider the illness or disability as a punishment from God hence negative reappraisals questioning God why he allowed such a thing to happen to them.

certain community support groups, which that affirm the rights, dignity and worth of a child with disabilities. Reality, however, on the ground portrays a situation contrary to this above stipulated premise. Community support groups are simply over-whelmed with the situation of being faced with children with disabilities.¹⁰⁵³ A good number of people in the rural areas do not, in most cases, have the financial and medical capacity to handle complicated cases of such a nature. Medical profession in the rural areas could assist to a certain level or to a certain extent, otherwise the best they might do is to give counselling to the parents, as a means of alleviating the parents' psychological suffering.¹⁰⁵⁴ Finally, parents are left alone to handle the child, rear the child and cope with the situation as it is with all its related problems and implications. It is only when parents come to terms with the reality of their child that they might come to discover God's will for them. Parents in that context, together with the child, become the unique media through which God communicates higher values for the human family.¹⁰⁵⁵ McConnell described this situation as implying that both parents and the child have the responsibility to be creative within their own limitations.¹⁰⁵⁶ It is within such conditions of life that mankind learn how to participate in the creative aspect of God. God creates out of nothing while human beings create out of what is given.¹⁰⁵⁷ God commanded the human person to be creative and he gave the person the gift of intelligence and reasoning in order that he or she could use these gifts when confronted with difficult cases in life.¹⁰⁵⁸ The person must take what already exists and work with it to bring the best out of it. The advocacy of health for all compels parents to walk the extra mile and know where they can get comprehensive and holistic care for their child. Children who are born with disabilities have the right to special social and medical services, resources and a proper

¹⁰⁵³ Ibid. In this article the doctor said that there was a problem in the brain ventricles of the child that would make it impossible for them to walk or talk. He (doctor) said that there was nothing that could be done thus our hands were tied. I (parent) was shocked, I said that my child began talking like other kids and had no problem with language but the doctor said my child could not talk and could only say father and mother that it was impossible for them to form a sentence or do any physical activity; there was nothing they could do about it.

¹⁰⁵⁴ Ibid.

¹⁰⁵⁵ *The Catechism of the Catholic Church*, Article No. 303. The witness of Scripture is unanimous that the solicitude of divine providence is concrete and immediate; God cares for all, from the least things to the great events of the world and its history. The sacred books powerfully affirm God's absolute sovereignty over the course of events.

¹⁰⁵⁶ McConnell, C., (2011), *Managing Attitudes Towards Defective New-borns*, in <http://www.bmei.org>, Vol. 2, 3, Posted on 2011/11/17, 07:39pm.

¹⁰⁵⁷ Ibid.

¹⁰⁵⁸ Pontifical Council for Justice and Peace, (2004), *The Social Doctrine and the Personalist Principle in Compendium of the Social Doctrine of the Church*, Nairobi: Pauline's Publications Africa, 69-70. Man, was created by God in unity of body and soul. The spiritual and immortal soul is the principle of unity of the human being and God. They also remind us that reason and free will are linked with all the bodily and sense faculties. Entrusted to mankind this intellectual faculty, mankind has the capacity to make intelligible understanding of reality.

environment that would promote their maximum development of their personhood.¹⁰⁵⁹ The central theological normative of human dignity, particularly the dignity of the child, means the total acceptance of the child on the part of the parents. Parents ought to accept the situation as God-given, that is there for a higher value. The parents ought to face the situation with courage, knowing that they are God's agents of love and mercy for those who are destitute.¹⁰⁶⁰ As parents, there might be difficulties with the financial needs and demands that may arise for managing the affairs of the child. From the moral point of view, they need to do what they can do and ask for external aid wherever possible. They do not have to overstretch their limits beyond their potential. The premise above would be substantiated by the morality of love principle.¹⁰⁶¹ The principle envisions the presence of a child with disabilities as calling on us for our kindness and courtesy i.e. a call for fairness and a sense of sympathy.¹⁰⁶² It is from this situation that we could realize our primary moral experience that demands deep human sympathy. It involves acting beyond one's personal worldview, and transcending our own egoism and egoistic horizons.¹⁰⁶³ In a practical life situation particularly in the rural context, such a conviction of this ideal is still far-stretched for the ordinary person, considering the external forces and influences involved. The project at this level calls for the avoidance of the acts of commission or omission that would betray the life of the child and the common good of all humanity.¹⁰⁶⁴

The human family, in the face of the birth of a child with disabilities, ought to transcend the tendency to live within the confines of its own cultural affiliations and dictates without

¹⁰⁵⁹ DSD, DWCPD and UNICEF, (2012), *Children with Disabilities in South Africa: A Situation Analysis: 2001-2011*, Pretoria: Department of Social Development/Department of Women, Children, and People with Disabilities/UNICEF, 42-70.

¹⁰⁶⁰ Pontifical Council for Justice and Peace, (2004), *The Social Doctrine and the Personalist Principle in Compendium of the Social Doctrine of the Church*, Nairobi: Pauline's Publications Africa, Article No. 581-583, 313-315. It says that love must be present in and permeate every social relationship. This holds true especially for those who are responsible for the good of peoples. They must earnestly cherish in themselves and try to rouse in others, charity, the mistress and queen of virtues. For the happy results, we all long for must be chiefly brought about by the plenteous outpouring of charity; of that true Christian charity, which is the fulfilling of the whole Gospel law, which is always ready to sacrifice itself for the sake of others.

¹⁰⁶¹ Harrington, D., (2006), *Five Ways of Looking at Morality*, in www.catholicireland.net/moral-theology, Church Support Group Inc., 2013. 194.

¹⁰⁶² Pontifical Council for Justice and Peace, (2004), *The Social Doctrine and the Personalist Principle in Compendium of the Social Doctrine of the Church*, Nairobi: Pauline's Publications Africa, Article No. 581-583, 313-315.

¹⁰⁶³ Ibid.

¹⁰⁶⁴ Leeb, R.T., Paulozzi, L., Melanson, C., Simon, T., Arias, I., (2008), *Child Maltreatment Surveillance: Uniform Definitions for Public Health and Recommended Data Elements*, Atlanta: Centres for Disease Control and Prevention, National Centre for injury Prevention and Control, Version 1.0, 11-12. Acts of commission/Omission are acts of child maltreatment by parents or care givers that results in harm, potential harm, or threat of harm to a child with disabilities. Acts of Commission are deliberate and intentional however, harm to a child may or may not be the intended consequence. Intentionality only applies to the care-givers' acts not the consequences of those acts. Acts of Commission involves physical abuse, sexual abuse, and psychological abuse. Acts of Omission is sometimes called child neglect i.e. failure to provide for the child with disabilities basic physical, emotional, educational needs or to protect a child from harm or potential harm.

having any great advertence to the moral issues that directly affect society and the world. The reality of children born with disabilities is a fact which poses as a serious ethical and moral concerns. The parents ought to understand better the situation of their children particularly, when the various social and medical systems tend to discriminate against their children. The existential reality involving infants in this state ought to bring to people's awareness the injustice done in society. Scholars ought to engage the society on the way certain things, e.g. medical facilities, are structured in the region. One of the central theological normative of human dignity includes the interrogation of the society itself, to ensure the checks and balances around medical infrastructure in the province in question.

5.2.2. HUMAN WORTH AND WHOLENESS

Parents standardly want to have healthy offspring and may sometimes fear the thought that they may become parents of a child who has severe disabilities.¹⁰⁶⁵ Fear in this case is due to the various implications that come with the state of having a child with disabilities. There are many complications that may arise in the process. The parents may face social, economic, and medical difficulties that may render them hopeless. Above all these challenges, there is an element that people consider human worth as predicated on physical and mental wholeness.¹⁰⁶⁶ McConnell refuted the above reasoning, saying that human worth is not supposed to be predicated on physical or mental wholeness as the case is among other scholars.¹⁰⁶⁷ The fear of having a child with disabilities is partly a product of one's social and cultural background.¹⁰⁶⁸ Some cultures may accept the child and provide more support to the mother, while other cultures may have a different evaluation. They may regard the child unworthy of personhood.¹⁰⁶⁹ The cultural situation in most parts of the world is self-evident. It is somehow a common practice today that the attitude towards mothers who choose to continue living with an affected pregnancy that would likely result in a child with disabilities would probably meet social disapproval.¹⁰⁷⁰ Children with disabilities are challenged more by social discrimination and prejudice than medically defined impairment.¹⁰⁷¹ In consideration of the current speculation on the world phenomenon regarding children with disabilities, the scientific debate failed to critically reconsider the

¹⁰⁶⁵ Song, R., (2002), *Human Genetics Fabricating the Future*, London: Darton Longman and Todd, 52.

¹⁰⁶⁶ Ibid.

¹⁰⁶⁷ McConnell, C., (2011), *Managing Attitudes Towards Defective Newborns* in <http://www.bmei.org>, 4, 2011/11/17. 07:39pm.

¹⁰⁶⁸ Ibid.

¹⁰⁶⁹ Ibid.

¹⁰⁷⁰ Song, R., (2002), *Human Genetics Fabricating the Future*, London: Darton Longman and Todd, 53.

¹⁰⁷¹ Ibid. 57.

reality of the nature of being physically and mentally disabled in relation to other diseases that a human being may suffer from. The state of being disabled denotes mere names given to certain cases of human finiteness and other cases of extreme natural variation.¹⁰⁷² The human situation of this nature is like any other disease that renders a person incapable of fulfilling certain human activities. Song's exposition on human genetics and new eugenics stated that all human beings, to a certain extent, suffer from disabilities of one kind or another.¹⁰⁷³ What makes a difference is that others constitute more visible disabilities that render them unfit to live, while others may live and tolerate their disabilities. Finally, we will discover that the state of being disabled is not inevitably a tragedy, as common and professional thinking would tend to imply.¹⁰⁷⁴ Song recognized the fact that there is no simple correlation between the level of function, the ability to perform and the quality of life.¹⁰⁷⁵ We often tend to consider the state of being disabled as a sickness, needing a medical remedy. We need to move beyond this understanding and come to realize that the state of being disabled implies a certain kind of limited experience which incapacitates people to do certain things in life. Infants who are born with severe disabilities are given proper support, could make a huge contribution to society. The present project considered the fact that human worth is not predicated on physical or mental wholeness. This is the truth of the matter at this level.

5.2.3. THE DIVERSITY OF THE ART-WORK OF GOD, BASED ON JOHN 9:1-3

One of the ethical dilemmas of our time is the birth of a child with disabilities. The child with disabilities may find itself in a vacuum and the family is left in a quandary, not knowing what to do. New discoveries in medical research were made to address certain medical complications of this nature. The ideal was to handle certain ethical–medical dilemmas concerning human life with caution considering that we are dealing with human life. In consideration of certain critical observations and reservations regarding the life of a child with disabilities, some scholars reluctantly consider life in that state as relative.¹⁰⁷⁶ Concerning the insights given above we realize that our duty to preserve human life in that state is somehow limited. This could be because the life of the child with disabilities at that level has already lost most major human capacities. Per Dennis, a baby should not be written

¹⁰⁷² Ibid.53.

¹⁰⁷³ Ibid.

¹⁰⁷⁴ Ibid.52.

¹⁰⁷⁵ Ibid.

¹⁰⁷⁶ Dennis, A.R., (1980), *Ethical Dilemmas and the Modern Doctor* in “Doctrine and Life”, Dublin: Dominicans Publications, Vol. 30, January Issue No. 1, 9.

off merely because it would be a heavy burden on the family and on medical expertise.¹⁰⁷⁷ Many people, having reached this point, might lose grasp of the situation regarding the life of the child. What we need to understand is something beyond what our eyes can see in the child.

“As he went along, he saw a man who had been blind from birth. His disciples asked him, Rabbi, who sinned, this man or his parents that he should have been born blind? Neither he nor his parents sinned, Jesus answered, he was born blind so that the works of God might be revealed in him.”¹⁰⁷⁸

From this quotation from the Gospel of St John, we come to realize one of the powerful theological values that is illustrated in the text. The blind man could be related to a child who is born with physical and mental disabilities. In this case both the child and the blind man are confronted with a challenge, about the text’s message that both people would hardly find favour in society. Their conditions render them unfit to survive in a competitive world. Besides all such negations, the story illustrated something higher than what we could see in each one of them. From the theological point of view, we can see the art-work of God in such realities of life. One of the major theological values is the aspect of bearing witness to what we believe.¹⁰⁷⁹ Children with disabilities did not sin, neither did their parents, rather they are a channel through which we as human beings live out our beliefs and religious convictions. Every child, no matter his or her physiological or mental status, is wanted. Apart from infants who are born with physical and mental disabilities, this would indirectly imply the proclamation of the Gospel of the righteousness of the strong.¹⁰⁸⁰ The present research project brings about a higher value in this regard. All negative attitudes and perceptions regarding children with disabilities ought to be revisited. We need to inform ourselves that we should never be content with life without knowing the reasons for living. We need not forget that there are more important things in life than what we might be convinced of. The basis for such reasoning is the holistic ideal of the art-work of God in each one of us. The act of abandoning, dumping and killing children with disabilities is still a common tragedy in society. In some parts of the region, it is cloaked in secrecy, making it difficult to reveal its agents and how it is done. This hinders the recovery process. Gogan emphasized the

¹⁰⁷⁷ Ibid.

¹⁰⁷⁸ RSV, John 9:1-3.

¹⁰⁷⁹ Brown, R.E., Fitzmyer, J.A., and Murphy, R.E., (2007), *The New Jerome Biblical Commentary*, Bangalore: Prentice Hall Inc., 967.

¹⁰⁸⁰ Dennis, A.R., (1980), *Ethical Dilemmas and the Modern Doctor* in “Doctrine and Life”, Dublin: Dominicans Publications, Vol. 30, January Issue No. 1, 11.

reality of the conspiracy of silence.¹⁰⁸¹ There are reports from hospices where mothers have expressed their observations. When a child with disabilities is born, the midwives immediately kill the child in the process of delivery. The mother is left helpless, not comprehending anything. Gogan explained:

“Bereaved women are isolated and discharged as soon as possible. Generally, the babies are taken away from them and mothers told gently that the hospital will take care of it and that is the end of the story.”¹⁰⁸²

There are so many unreported cases of similar nature that are tragic and devastating. These are the moments when the believing human being ought to inform society about the value of witnessing our beliefs. The present project aims to unmask such facts and safeguard the inherent right to life of the children with disabilities. It will do so in this chapter by means of the formulation of a theology of human dignity that is relevant to children with disabilities.

5.2.4. CREATION IN THE IMAGE AND LIKENESS OF GOD

One of the main purposes of chapter five is the formulation of a theology of human dignity that is based on the Social Teaching of the Roman Catholic Church that is relevant for children with disabilities in KwaZulu- Natal. It is a new field of study considering the limitedness of the scholarly work on the subject matter. This assumption does not necessarily negate the gravity of the reality of children with disabilities and what they experience. Davis confirmed this that the studies in this field seem to have been limited, considering the database and the library catalogue where someone would only find minimal information.¹⁰⁸³ In the process of the formulation of a theology of human dignity, the chapter will consider certain elements in the Social Teaching of the Roman Catholic Church that are of vital importance. They are significant to the present project, as they will anchor the theology of human dignity. Some of the major elements to be taken into consideration are the central theological normative of human dignity drawn from the Social Teaching of the Roman Catholic Church as outlined in the previous chapter. One of the central theological normative is the idea of the creation of the human person in the image and likeness of God.¹⁰⁸⁴ The Compendium of the Social Doctrine of the Church stated that the fundamental message of the sacred scripture proclaimed that the human person is a creature of God and sees in his

¹⁰⁸¹ Gogan, B., (1984), *Still Birth: The Pastoral Care of Bereaved Parents* in “Doctrine and Life”, Dublin: Dominican Publications, Vol. 34, Issue No. 10, 562-563.

¹⁰⁸² Ibid.

¹⁰⁸³ Davis, L.J., (2006), *The Disability Studies Reader*, New York: Routledge Taylor and Francis Group, 2nd Edition, xiii.

¹⁰⁸⁴ Pontifical Council for Justice and Peace, (2004), *Compendium of the Social Doctrine of the Church*, Nairobi: Paulines Publications Africa, 61.

being an image of God, the element that characterized and distinguished him or her from other created things.¹⁰⁸⁵

The existential reality seems to contradict the assumption that many children with disabilities are oppressed, repressed, isolated, incarcerated and treated unjustly.¹⁰⁸⁶ In this case, the level of oppression ranges from categorizing the child as unwanted in the community. This may further lead to the abandonment or dumping of the child in adverse conditions and places where death instantly occurs. In certain extreme cases, the child is killed. The general perception is the pervasiveness of discrimination and prejudice against these infants. They are regarded as non-persons, dehumanized and taken as things.¹⁰⁸⁷ As Gutierrez and Shaull pointed out:

“In a continent like Latin America, the challenge does not come to us primarily from the non-believer, but from the non-person from the individual who is not recognized as such by the existing social order: the poor, the exploited, who are systematically deprived of being of being persons, they who scarcely know that they are persons. The nonperson questions, before anything else, not our religious world but our economic, social, political, and cultural world and thus a call is made for the revolutionary transformation of the very basis of a dehumanizing society.”¹⁰⁸⁸

Having looked at the various notions of human dignity in relation to children with disabilities, the research project may conclude that the major problem is not necessarily the reality of being born with disabilities, but rather the problem is the way society in general perceives children who are born with disabilities. It is a perception that lead to discrimination against the infants. In fact, we have limited control over nature in terms of the child who is to be born. When the child is born with disabilities, it is our duty and responsibility to accept the reality at hand. At least we have the capacity to accept the child and the human capacity and potential to accept the child can be managed. It is in this regard that the present project appealed to certain theological norms, as presented in the Social Teaching of the Roman Catholic Church which may act as building-blocks in the process of the formulation of a theology of human dignity. Hubbard, in her exposition on abortion and disability, stated that some people shun persons who have challenges and isolate them so that they will not have to see them.¹⁰⁸⁹ In the current studies of eugenics, there is a campaign worldwide for the

¹⁰⁸⁵ Ibid.

¹⁰⁸⁶ Davis, L.J., (2006), *The Disability Studies Reader*, New York: Routledge Taylor and Francis Group, 2nd Edition, xiii.

¹⁰⁸⁷ Ibid.

¹⁰⁸⁸ Connor, B.F., (1995), *Sin, Self and Society*, Pietermaritzburg: Dominican Publications, 108-109.

¹⁰⁸⁹ Hubbard, R., (2006), *Abortion and Disability* in Lennard J. Davis, in *The Disability Studies Reader*, New York: Routledge Taylor and Francis Group, 2nd Edition, 93.

selection of the best of humankind and the eradication of the group of people who are regarded as unfit to live and be productive in society.¹⁰⁹⁰ Some countries have introduced euthanasia programmes. As in the time of Hitler in Germany, the idea behind the introduction of euthanasia was to deal with the problem of children who were born with Down syndrome and their various complications related to disabilities.¹⁰⁹¹ On the local scene, due to negative perceptions towards children with disabilities, some people resort to the eliminating the child. Based on the Social Teaching of the Roman Church, the Church sees in men and women, and in every person, the living image of God.¹⁰⁹² The general understanding is that each person, in his or her own right, has received an unalienable dignity from God the creator. We therefore ought to see human life in its diverse proportions. The beauty of human life is realized in its unique ways and forms, as given to each person. The presentation of human life in its unique forms, for instance, the human life as shown in children with disabilities, ought to present to us the beauty of God's creation. Each and every human being in his or her own way, and even in whatever state of life, is an expression of God's image and likeness.¹⁰⁹³ The whole of the Roman Catholic Church's social doctrine developed from the principle that affirms the inviolability of the dignity and integrity of human person.¹⁰⁹⁴ When a child is eliminated, this becomes an open deliberate human act that violates the dignity and integrity of the child.¹⁰⁹⁵ Such deliberate human acts could be regarded as a direct intention to cause death by omission, which implies that someone has opted to permit death to result from the lack of the basic life servers.¹⁰⁹⁶ When a child is abandoned and dumped, there are high possibilities that the child will die of starvation and other debilitating elements that would eventually bring about the death of the child. The identity, dignity, and integrity of a child as a person are highly compromised in this regard.

The social doctrine of the Roman Catholic Church states that the likeness of a child or a person to God shows that the essence and existence of the human person are constitutively related to God in the most profound manner.¹⁰⁹⁷ The relationship between God and the

¹⁰⁹⁰ Ibid.

¹⁰⁹¹ Ibid.

¹⁰⁹² Pontifical Council for Justice and Peace, (2004), *Compendium of the Social Doctrine of the Church*, Nairobi: Paulines Publications Africa, Art. No. 105, 60.

¹⁰⁹³ Ibid.

¹⁰⁹⁴ Pontifical Council for Justice and Peace, (2004), *Compendium of the Social Doctrine of the Church*, Nairobi: Pauline's Publishers Africa, Article No. 132-133, 72-73.

¹⁰⁹⁵ Ibid. Article Nos. 152-155.

¹⁰⁹⁶ Cahill, L.S., (1991), *Bioethical Decisions to End Life* in Robert J. Dally, (Ed), *Theological Studies*, Washington DC: A Quarterly Journal, Vol. 52, 111-112.

¹⁰⁹⁷ Pontifical Council for Justice and Peace, (2004), *Compendium of the Social Doctrine of the Church*, Nairobi: Pauline's Publications Africa, Art. No. 109, 61.

human person is unique, in the sense that each person has in him or her God's image and likeness.¹⁰⁹⁸ Unique as each person is, there is a relationship between the two entities of God and the person. The relationship between God and the person points to the social dimension of human life.¹⁰⁹⁹ We are created in a world where there are so many other beings and things. If our life depends on other realities to survive and live well, by our being human we are created to have social nature, because we need other people, other things, and other creatures to live a good life.¹¹⁰⁰ Being created in the image and likeness of God leads us into the awareness that we are social beings, needing each other to satisfy human life. We can affirm that no one would claim to live independently without the existence of other beings, things, and related creatures. This exposition gives us an insight into the fact that being created in the image and likeness of God, with social aspect of our nature, directly points to the fact that each person and each created thing has a value, i.e. an inherent value to the social aspect of life. One of the objects of the human person is life. Human life is one of the most precious gifts given to each person. Therefore, getting rid of someone before he or she had the opportunity to live would be a grave sin. Some scholars believe that we are living in a world in which killing is an in-built part of life:

“We slaughter animals for food just like animals kill and eat each other. We also kill other people to maintain peace in the world- a world, which has serial killers who kill for no reason but find pleasure in killing.”¹¹⁰¹

The understanding in this case is that some people justify killing of infants based on what people consider as having value at that moment in time. If someone is unproductive and at the same time needs others for his or her existence, then this kind of relationship is parasitic, hence its disqualification. Children with disabilities are then put in the category of being unwanted. Further we note that they may be eliminated from society. In this context, we ought to create an atmosphere where each person is a benefactor to the other. The subject of eliminating unwanted children raises moral questions concerning human suffering in general. To this effect, the experience of children with disabilities, points to a realm beyond human comprehension hence raising one of the important theological questions of our time in the context of human suffering: The project will draw conclusions on how creation in the image and likeness of God as one of the central theological norms of human dignity in the

¹⁰⁹⁸ Ibid.

¹⁰⁹⁹ Ibid.

¹¹⁰⁰ Ibid.

¹¹⁰¹ Ikeda, D. and Wilson, B., (1984), *Human Values in a Changing World: A Dialogue on the Social Role of Religion*, London: MacDonald and Co. Ltd, 71-74.

Social Teaching of the Roman Catholic Church that would assist in the formulation of a theology of human dignity for children with disabilities. The social doctrine affirms the dignity and integrity of the infants based on the theme that they are created in the image and likeness of God. As human beings, they have the inherent right to life. Unfortunately, their human identity has been compromised in other sectors of human life. Based on the principle of being created in the image and likeness of God, as one of the major concepts of human dignity, the project acknowledged that the theme i.e. creation in the image and likeness of God is one of the core pillars on which to establish a theology of human dignity for children with disabilities. As observed in the above exposition on the social aspect of being created in the image and likeness of God, the theological normative points to what could be regarded as something practical that could re-enforce the change in perception and attitude towards children with disabilities. One of the practical aspects that would ensure the protection of the lives of infants is compassion. The word compassion has a sociological inclination towards others, particularly those that are vulnerable. “Be merciful even as your father is merciful.”¹¹⁰² In the formulation of a theology of human dignity for children with disabilities, we should consider divine compassion. According to Aquinas, divine compassion indicates God’s beneficent action on behalf of his creatures, an action which has its source in love e.g. love of the neighbour.¹¹⁰³ Aquinas further stated that the effect proceeds from the affection of the will, which is a simple act of the will.¹¹⁰⁴ In this case, we could say that being created in the image and likeness of God understood from the sociological point of view, calls every human person to act upon the decision of his or her own will, for example, the will to feel and be compassionate to others. There is a general call to act on behalf of those who are vulnerable and discriminated against. This is the task of any theologian. Two things are involved here, that is, advocacy and action on behalf of children with disabilities.

5.2.5. SANCTITY OF LIFE

The academic discussion on the sanctity of life is an important and, at the same time, a sensitive subject, considering the moral weight it exerts on families who have been challenged with the birth of a child whom they consider a burden in their life. The subject therefore requires the profound respect it commands on individuals who might be considering abandoning, dumping, or even killing the unwanted child in their family, based

¹¹⁰² RSV, Luke 6:36.

¹¹⁰³ Dodds, M.J., (1991), *Thomas Aquinas, Human Suffering, and the Unchanging God of Love* in Robert J. Daly, (Ed), *Theological Studies*, New York: A Quarterly Journal, Vol. 52, No. 2, 330-338.

¹¹⁰⁴ Ibid.

on health grounds. The discourse on human dignity finds its roots in the principle of the sanctity of life, particularly human life.¹¹⁰⁵ The project gives full recognition to the status of any human being as special and unique, compared to other living things. It is on this basis that human life, in whatever form, ought to be treated with special care.¹¹⁰⁶

It was in 1948 that the Universal Declaration of Human Rights declared and affirmed that all human beings are born free and equal in dignity and rights.¹¹⁰⁷

Unfortunately, such an affirmation seems not to have taken shape in many sectors of life. The general assumption is that there is a problem with the assimilation of the spirit of the convention on human rights. We thus encounter problems in the full implementation of the charter. Human life, particularly the lives of children with disabilities, are still under threat. Egan explored broad trajectories around the contemporary theoretical approach to the human subject, the impact of biological and technological progress on our self-understanding and the impact of the import of economic and cultural developments arising from globalization.¹¹⁰⁸ The alienable right to life of every individual person and the respect for the dignity of each person have been neatly put in theory but, in practice, the dignity of a person and its corollary, the sanctity of life, as such, tends to be perceived and measured purely on social and materialistic terms.¹¹⁰⁹

When a family experiences the birth of a child with disabilities, sociological pinning weighs heavily on the family and they become the criteria for making decisions and choices on behalf of the innocent child who at this level, can hardly comprehend anything. The

¹¹⁰⁵ Häring, B., (1981), *Free and Faithful in Christ*, London: St. Paul Publications, Vol. 3, 4-5.

¹¹⁰⁶ Egan, J., (2005), *Human Dignity in an Age of Globalization*, in Sean Healy, Brigid Reynolds, Tom Jordan, (Eds), *Human Dignity and Spirituality in a Globalized World*, Dublin: CORI Justice Commission Publications, 22-23.

¹¹⁰⁷ Declaration of Human Rights, *United Nations International Charter for Human Rights*, Art. No. 1. A brief history of human rights: In 539 B.C., the armies of Cyrus the Great, the first king of ancient Persia, conquered the city of Babylon. It was then the action taken later that matters most in relation to human rights and human dignity. King Cyrus the Great had freed all the slaves and declared that all people had the right to choose their own religion and establish racial equality. This act was a major step in the advancement of the human person and human rights. The right to freedom and dignity were so central in this regard. These decrees were recorded on a baked-clay cylinder in the Akkadia language with Cuneiform script. This is regarded as the first world charter of human rights. From Babylon, the idea of human rights had spread all over the world. Further to this development, the concept of natural law arose during life. Documents asserting individual rights such as Magna Carta in 1215, the Petition of Rights in 1628, the US Constitution in 1787, the French Declaration of the Rights of Man and of the Citizen in 1789 and the US Bill OF Rights in 1791 are some of the written precursors to many of today's human rights documents. Later, the United Nations came up with the Universal Declaration of Human Rights in 1948. This is the first document to enlist 30 rights to which every person is entitled.

¹¹⁰⁸ Egan, J., (2005), *Human Dignity in an Age of Globalization*, in Sean Healy, Brigid Reynolds, Tom Jordan, (Eds), *Human Dignity and Spirituality in a Globalised World*, Dublin: CORI Justice Commission Publications, 22-23.

¹¹⁰⁹ Ibid.

existential human situation of these infants in KwaZulu-Natal are usually judged and categorized as sub-human due to their physiological and psychological state.¹¹¹⁰ Most of these infants are secretly and systematically obliterated.¹¹¹¹ At a global level, such sociological and economic circumstances have given rise to the legalization of abortion, euthanasia in some countries overriding the value of human life, as stipulated in the International Charter for Human Rights.¹¹¹² Day in and day out, we hear stories of child abuse and extreme cases of violence directed at infants who are categorized as sub-human and this unwanted. There is an ascription to the so called an ethical right to die in the sense of a right to be allowed to die about the above discussion related to children with disabilities.¹¹¹³ Some people have made statements and questioned the human identity of a child with disabilities as a way of trying to influence the ethical right to die applied to the child in question. In most of these debates, due to scientific progress in the area of human genetics and reproduction, language has been employed euphemistically to demonize, disparage, stigmatize and dehumanize the infants prior to their elimination.¹¹¹⁴ In view of the discussion above, a right to have one's life taken on request and in this case; the primary care giver, has never been recognized in codes of ethics or the law of any country.¹¹¹⁵ Its assumption conflicts directly with the genuine right to one's life, acknowledged and protectively enunciated in the Universal Declaration to which most countries are signatories.¹¹¹⁶ In view of the arguments provided above, fundamental questions have been raised about the human identity and dignity of children with disabilities. Some scholars have applied the evolutionary theories of Charles Darwin, which included theories such as in

¹¹¹⁰ Pais, J., (1991), *Suffer the Children: A Theology of Liberation by a Victim of Child Abuse*, New York: Paulist Press, 5-7.

¹¹¹¹ Ibid.

¹¹¹² Pollard, B., (1998), Human Rights and Euthanasia, in <http://www.bioethics.org.au/Resources/online%20Articles/Human%20Rights%and%20euthanasia.pdf>, Accessed on December 23, 21:24 GMT. Accordingly, in 1948, the Universal Declaration of Human Rights declared that the foundation of freedom, justice and peace in the world is the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family. When an attempt is made to justify euthanasia by using claims about human rights, it will be seen how problematical these claims become when they focus only on a single right and when that one is of doubtful validity. Wide disparity between doubtful and genuine rights is not however, commonly taken to be the prompt for some necessary exploration of the gap; rather the gap is simply ignored. Paradoxically, assertions of dubious rights generally go unchallenged while insistence on respect for genuine rights may be labelled as evidence of religious or emotional bias.

¹¹¹³ Ibid. What is implied in this case are the claims to new and different grounds, going beyond the wishes of an individual. They include claims to rights to request another to take one's life, to respond to that request by intentionally taking that life and to justify such killing simply because it was requested. This is a vastly different position from what is generally understood by personal autonomy though this extension is rarely made explicit.

¹¹¹⁴ Ibid.

¹¹¹⁵ Ibid.

¹¹¹⁶ Ibid.

mechanisms of natural selection and survival of the fittest.¹¹¹⁷ Such inclinations have influenced the scholarship and individual persons to view human life in that context. This has also led to a mentality in which taking the life of a child with disabilities is tolerated and sometimes made legal.¹¹¹⁸ The present research considered this mentality as being deplorable and crucial when applied to children with disabilities. Human life is sacred, from the moment it is conceived in the mother's womb.¹¹¹⁹ This is a biological truth. The child may or may not exhibit certain deficiencies right from the time of conception, but such a biological reality does not remove the human identity of the child. The life of the child at any point remains sacred.¹¹²⁰ For women who have suffered, as some scholars have put it, the tragedy of giving birth to a child with disabilities, it is the duty of society, particularly medical health experts, to provide medical care, which would include a network of supportive medical services. Unfortunately, some private practices seem to dictate such matters differently. In most circumstances, people's moral obligations seem not to be well informed and defined when it comes to issues of caring for the children with disabilities. The moral obligation towards these infants is a burdensome issue in the modern context. This is one of the reasons why the sanctity of human life is heavily compromised. The ideal behind the present research project is based on the message of *Evangelium Vitae*, the precise and vigorous affirmation of the values of human life.¹¹²¹ The encyclical advocated the respect, protection, love and serving of life in each and every person.¹¹²² Research findings recount an alarming spectacle of the current attacks on human beings who are frail, weak or disfigured in whatever way.¹¹²³ The assumption is that there is, at present, widespread and powerful support aimed at eliminating the weak life from the public arena.¹¹²⁴ The legal approval of euthanasia in some countries is a clear indicator of a worldwide move towards the termination of human life that is regarded as worthless.¹¹²⁵ The sanctity of life brings to

¹¹¹⁷ Egan, J., (2005), *Human Dignity in an Age of Globalization*, in Sean Healy, Brigid Reynolds, Tom Jordan, (Eds), *Human Dignity and Spirituality in a Globalised World*, Dublin: CORI Justice Commission Publications, 22-23.

¹¹¹⁸ Pollard, B., (1998), Human Rights and Euthanasia, in <http://www.bioethics.org.au/Resources/online%20Articles/Human%20Rights%and%20euthanasia.pdf>, Accessed on December 23, 21:24 GMT.

¹¹¹⁹ Häring, B., (1981), *Free and Faithful in Christ*, London: St. Paul Publications, Vol. 3, 4-5.

¹¹²⁰ Ibid.

¹¹²¹ *Evangelium Vitae*, Art. No. 5, 11.

¹¹²² Ibid.

¹¹²³ Pais, J., (1991), *Suffer the Children: A Theology of Liberation by a Victim of Child Abuse*, New York: Paulist Press, 5-7.

¹¹²⁴ Ibid.

¹¹²⁵ Lewis, P., (2015), *Assisted Dying: What does the Law Say in Different Countries?* In <http://www.bbc.com/news/world-34445715>, Posted on October 6, Cited on December 23, 22:10 GMT. Where are, these practices permitted? The Netherlands, Belgium and Luxembourg permit euthanasia and assisted suicide; Switzerland permits assisted suicide if the person assisting acts unselfishly; Colombia permits

us a new theological perspective that takes into account the sacredness of human life. It advocates a culture of life which demands that each person choose to be unconditionally pro-life.¹¹²⁶

“See, I have set before you this day life and good death and evil.... I have set before your life and death, blessing and curse, therefore choose life that you and your descendants may live.”¹¹²⁷

At the social onset of reality, this quotation is an invitation and a call to action. It commands us to make moral choices. The creation accounts spoke about the divine breath which was breathed into the human person, the first human person, so that, he or she might come to life.¹¹²⁸ The human person then becomes a living being sanctified by infusion of the breath of life, bearing within him or herself an indelible imprint of God. As the psalmist said, the glory of God shines on the face of the human person.¹¹²⁹ The project puts before us the Biblical truth that shows us that God is the sole Lord of human life.¹¹³⁰ There is an affirmation of the sanctity of human life and that it has its roots in the creation acts of God saying: For God made humankind in his own image.¹¹³¹ The encyclical puts strong emphasis that in God lies, the life of everybody, this sanctifying all human life.¹¹³² The sacredness of human life gives rise to its inviolability. At the heart of the Decalogue reverberates or resonates the inviolability of human life. You shall not kill as in Exodus 34.28 and do not slay the innocent and righteous as in Exodus 23:7. This confirmed the Biblical truth concerning the inviolability of human life. Jesus further unveiled the positive requirements of the law of God regarding the status of human life and its inviolability. There is a deeper component of the law of God, which demands that the legislation deal with the protection and the defence of human life at all costs. This is to be extended particularly to human life that is weak and threatened as in the case is with the sick, poor and the children. The project manifests the indisputable recognition of the value and sanctity of human life in general. It extends this basic truth to children with disabilities. The letter and the spirit of the divine law require from us total reverence for human life, because it is sacred and thus inviolable. The action to be taken is to advocate at any forum and level the inviolability of human life.

euthanasia; California has just joined the US states of Oregon, Washington, Vermont, and Montana in permitting assisted dying; Canada will permit euthanasia and assisted from February 2016 slightly earlier in the Province of Quebec.

¹¹²⁶ *Evangelium Vitae*, Art. No. 28, 50.

¹¹²⁷ RSV Bible, Dt. 30:15, 19.

¹¹²⁸ *Evangelium Vitae*, Art. No. 35, 63.

¹¹²⁹ RSV, Psalm 8:5

¹¹³⁰ *Evangelium Vitae*, Art. No. 39, 69.

¹¹³¹ RSV, Genesis 9:6

¹¹³² *Evangelium Vitae*, Art. No. 28, 50.

Therefore, the sanctity of human life principle will have a strong bearing and influence on the formulation of a theology of human dignity for children with disabilities. The principle is based on the social teaching of the Roman Catholic Church and is fitting for the subject matter.

5.3. HUMAN ENSOULMENT AND CHILD DISABILITIES

Progress in scientific research around medicine, procreation, infertility, hybridization, and other related issues of human life has led to new technologies that are partly used in the termination of human life.¹¹³³ Issues of abortion and assisted suicide have raised questions such as when does human life begin, to justify the legality of abortion and other similar acts that aim at the termination of human life. With the birth of a child with severe disabilities in minds the medical profession has developed a pre-diagnosis mechanism.¹¹³⁴ The idea is that if a mother is exposed to pre-diagnosis, then the condition of the child in the womb can be known. Modern science and medicine have made a breakthrough in the discovery of therapeutic and hybridization medicine that can sometimes reverse the condition of the child.¹¹³⁵ If the child shows certain symptoms that can be altered and improved, modern technology has some solutions to those problems that were unimaginable in the past.¹¹³⁶ The same technology, however, can be used to do away with any child who is regarded as unwanted. We have embarked on the study of ensoulment, since it has a strong bearing on the morality of the act of killing a child. Some of the serious questions raised are: What is it that we call the soul? When is, it infused in the person? The reason for studying these questions is to find justification for the termination of a human life. The soul is the life-giving principle and it is the vital force that renders human life sacred.¹¹³⁷ Having full knowledge of its existence in the person and timing of its infusion would determine whether it is morally permissible to terminate the life of the child. Therefore ensoulment is crucial to project, as it has a serious moral bearing on the formulation of a theology of human dignity that would affirm.¹¹³⁸ The soul in many religious, philosophical and mythological traditions is the incorporeal and immortal essence of living.¹¹³⁹ Roman Catholic theology, as presented

¹¹³³Pohier, J., and Mieth, D., (Eds), (1985), *Suicide and the Right to Die*, Edinburgh: T. &T. Clark, 35-37.

¹¹³⁴ Ibid.

¹¹³⁵ Leigh, H., (1983), *Psychiatry in the Practice of Medicine*, Menlo Park: Addison-Wesley, 15-17 and 67.

¹¹³⁶ Ibid.

¹¹³⁷ Klima, G., (2015), *MAN = BODY + SOUL: Aquinas's Arithmetic of Human Nature*, Notre Dame: University of Notre Dame Press, in <http://faculty.fordham.edu/klima/BODYSOULHTM>, Accessed on December 24, 00:10 GMT.

¹¹³⁸ Ibid.

¹¹³⁹ Aquinas, T., (1960), *On the Truth of the Catholic Faith: Summa Contra Gentiles*, New York: Doubleday and Company Inc., 254. The human soul does not perish when the body is corrupted.

by Aquinas, attributed the soul to all organisms, but only human souls are immortal.¹¹⁴⁰ The word soul refers to the vital breath, the animating principle in human beings.¹¹⁴¹ A soul as a primary principle of life is not a body but that which actuates a body, meaning the vital life force animating the body. Ancient Greeks used the word “ensouled,” meaning alive, implying that the soul was that which give the body life.¹¹⁴² In general, the soul animates the body of the person. Aristotle identified three hierarchical levels of living things, namely: plants, animals and human beings who were, at the very top of the hierarchy.¹¹⁴³ Aquinas indicated that the soul had an operation which did not rely on the bodily organ. The soul could thus subsist without the body, implying a complete new reality.¹¹⁴⁴ The soul is something that is immortal and immaterial. It cannot be destroyed in or by any natural process.¹¹⁴⁵ Christianity in general understands the soul as an ontological reality, distinct from, yet integrally connected with, the body.¹¹⁴⁶ Among theologians, there is still uncertainty whether the human embryo can have a soul. There is another issue of contention regarding the timing of the infusion of the soul. At what point between conception and birth of a child does the foetus acquire a soul? The field of science in general seeks naturalistic account i.e. methodical naturalism, investigating the soul as an object of human belief, a concept that shapes cognition of reality.¹¹⁴⁷ The scientific search for the soul deals directly with the study of the working of the human brain. Regarding the various considerations of the reality of the human soul, there is no doubt on the consensus among scholars regarding the existence of the soul. It is the issue of the time of the infusion of the soul in someone’s body that is still an issue that is unresolved, from the scientific point of view. The various annotations regarding the infusion of the soul into someone’s body has given rise to the justification of the termination of human life, particularly the life that constitutes a debased low quality that is unworthy of living. The contention is based on the scientific argument which questions the reality of the soul among disabled infants. If, due to their status, they do not yet possess a human soul, the abandonment, dumping and killing of infants would be an

¹¹⁴⁰ Ibid. 267.

¹¹⁴¹ Aquinas, T., (1970), *Summa Theologiae*, New York: McGraw-Hill Book Company, Latin text and English translation, Vol. 11, MAN (1a. 75-83), 5.

¹¹⁴² Bobik, J., (1967), *The Human Soul in The New Catholic Encyclopedia*, New York: McGraw-Hill Book Company, Vol. XIII, 447-448.

¹¹⁴³ Ibid. 449.

¹¹⁴⁴ Aquinas, T., (1960), *On the Truth of the Catholic Faith, Summa Contra Gentiles, Book Two: Creation*, New York: Image Books, 199-200.

¹¹⁴⁵ Ibid 254-258.

¹¹⁴⁶ Lynch, W.E., (1967), *The Human Soul in The New Catholic Encyclopaedia*, New York: McGraw-Hill Book Company, Vol. XIII, 449-450.

¹¹⁴⁷ <http://www.chem.tufts.edu>, Posted on November 13, 2011. 12:45.

act that could be justified. Ensoulment is crucial to the current debate, as it will have a bearing on the determination of the morality of abandoning, dumping and killing of children with disabilities. From the onset of the discussion on ensoulment based on the historical progression of the infusion of the soul, pre-existence, traducianism and creationism, particularly the immediate hominization theory, the present project acknowledged the three levels of the soul's infusion into the human body.¹¹⁴⁸ The issue of the timing of the soul into someone's body is not an obstacle to the current scope of the research. It is what constitutes the soul that could give rise to the affirmation of the soul in children with disabilities.

In consideration of the exposition above on what makes up the soul, it was stated that the soul constitutes the intellect to attain knowledge.¹¹⁴⁹ There is a general understanding to acquire full knowledge of the human soul. It is one of the difficult things to engage oneself in in an academic sphere. Many scholars have been challenged in the process of trying to comprehend the complexities of the human soul.¹¹⁵⁰ The reason has been that it is immaterial and therefore has different variations in the understanding of its scope. Apart from this reservation, the subject matter of ensoulment is still crucial and important when it comes to issues of human life. To engage in the philosophical and theological debate on the sacredness of human life, scholars cannot afford to by-pass ensoulment and make conclusions on human life and the human person. Crucial scientific questions include: What is the soul? How did it come into being? When does, its existence begin in the human person? Based on this discussion on the definition of the human soul, the general understanding is that the soul is that reality which differentiates humanity from the rest of creation.¹¹⁵¹ From the Biblical point of view, it is only into the human person that God breathed the breath of life, making the person being unique from other created beings.¹¹⁵² The person embodies the body, the spirit and the soul which is a life- giving principle.¹¹⁵³ These realities, body, spirit and soul, are organically related. It is the mystery of the union of life, implying that the soul acts on the body first, as does the spirit and the body, too, doing the same activity.¹¹⁵⁴ Regarding the

¹¹⁴⁸ Royce, J.E., (1967), *The Human Soul in The New Catholic Encyclopedia*, New York: McGraw-Hill Book Company, Vol. XIII, 471.

¹¹⁴⁹ Aquinas, T., (1970), *Summa Theologiae, Latin Text and English Translation*, New York: McGraw-Hill Book Company, 59-65, Art. Nos. 3 and 4.

¹¹⁵⁰ Ibid. Aquinas struggled to engage the scholarship on the intellectual powers of the soul, an indication of the fact that it is quite challenging to achieve certainty.

¹¹⁵¹ Royce, J.E., (1967), *The Human Soul in The New Catholic Encyclopaedia*, New York: McGraw-Hill Book Company, Vol. XIII, 470-471.

¹¹⁵² Ibid. 449-450.

¹¹⁵³ Ibid.

¹¹⁵⁴ Aquinas, T., (1960), *On the Truth of the Catholic Faith: Summa Contra Gentiles*, Book Two: Creation, New York: Image Books, 212-213.

creation narratives in the Bible, the human being is depicted not as an evolved animal, but as a uniquely endowed creature specifically distinguished from the lower animals, but distinctively related to God by the divinely bestowed image of God.¹¹⁵⁵ It is therefore baseless to regard disabled infants as non-human, considering the fact that they did not merely evolve from animals, but they were created by God through the same biological process of procreation. They are fully human beings, endowed with a soul. Having the animation of the human soul, they have the potential to understand and the capacity to free will. The general understanding is that children when they are born have the human soul already within them. This fact above links ensoulment with sacredness, providing new avenues around human values and human rights.

5.4. THE HISTORICITY OF THE SOUL IN AN INDIVIDUAL PERSON

The historicity of the soul in an individual person arose from the question regarding when the human soul begins to exist in an individual person? There are three historical theories: pre-existence, traducianism and creationism.¹¹⁵⁶

5.4.1. PRE-EXISTENCE THEORY

The pre-existence theory was associated with the Alexandrian school in the early church, i.e. in the time of the Church Fathers Origen, Augustine and Tertullian.¹¹⁵⁷ Championed by Origen, the theory taught that the soul of the human person existed in a state prior to that of being embodied.¹¹⁵⁸ Origen insisted that the inequalities and irregularities, physical or moral, are punishment for the sins committed in the previous existence of the soul.¹¹⁵⁹ With regard to children with disabilities, their present status is a result of what happened to their souls prior to their infusion into their bodies as human beings. Some people will still demonize the child, thinking that the child deserves further punishment. It is in the same vein that the reality of being physically and mentally challenged is always associated with bad omens in families.¹¹⁶⁰ Many people therefore choose to do away with children with disabilities, to

¹¹⁵⁵ Carl, F.H., (1976), *God, Revelation, and Authority: God Speaks and Shows*, New York: Waco Word Books Publishers, 125.

¹¹⁵⁶ Yates, J.C., (2000), *The Origin of the Soul: New Light on the Old Question*, in *Evangelical Quarterly*, 61 (1) 12009, 121 (No. 3).

¹¹⁵⁷ Ibid.

¹¹⁵⁸ Ibid.

¹¹⁵⁹ Ibid.

¹¹⁶⁰ Bourdillon, M.F.C., (1990), *Religion and Society: A Text for Africa*, Gwero: Mambo Press, 212-216.

discontinue the proliferation of bad omens in their families.¹¹⁶¹ This mentality has led many people to eliminate unwanted children with disabilities.

5.4.2. TRADUCIANISM THEORY

The traducianism theory was tied to the Stoic concept of an ethereal, yet corporeal, soul and the Aristotelian perception of it as an interpenetrating form of the body.¹¹⁶² The theory claimed that the soul has its origin either through the material act of generation, i.e. out of the animate or inanimate material things, or as an offshoot of the substance of the parental soul, which is spiritual in its nature.¹¹⁶³ The general understanding of the traducianism theory is that a child receives the soul from his or her parent, handing the soul over to the child. The theory was supported in the sense that it said that God breathed into the human person the breath of life, the soul, and the human being left it to propagate it.¹¹⁶⁴

For instance, Eve's soul must have been transmitted from Adam, since she was from the rib of Adam, the man, as reported in 1 Cor. 11:8. Unfortunately the theory fails to give proper theological reasons for certain realities of life, for example, how and why is the human nature of Christ Jesus not sinful? In the case of children with disabilities, why do the parents of the child possess different and unique characters of personhood, different from that of the child? Therefore, the second historical theory is quite disputable, though it may contain certain facets that might be true in themselves.

5.4.3. THE THEORY OF CREATIONISM

The theory of creation explained that each individual soul is a direct creation of God, i.e. God creating out of nothing (*ex nihilo*).¹¹⁶⁵ The theory stated that the soul of a child is not that of the parents, as the traducianism theory would have it. There are two levels of the creationism theory, namely immediate and delayed hominization.¹¹⁶⁶ Immediate hominization affirmed the simultaneous ensoulment with conception, implying that, when conception takes place, ensoulment takes place simultaneously.¹¹⁶⁷

¹¹⁶¹ Ibid.

¹¹⁶² Billy, D.J., (2009), *Traducianism as a Theological Model in the Problem of Ensoulment*, in *The Irish Theological Quarterly*, Issue No. 55 (1), 19.

¹¹⁶³ Ibid.

¹¹⁶⁴ Ibid.

¹¹⁶⁵ Ibid. Issue No. 54 (3), 29.

¹¹⁶⁶ Ibid.

¹¹⁶⁷ Ibid.

Delayed hominization implies that there is a gradual process of the evolution of the soul in an individual person.¹¹⁶⁸ The implication is that there is no simple point at which ensoulment takes shape, but it develops gradually from the time of conception to the time of the birth of the child. Some scholars extend this period up to the time when the child can fully comprehend reality.¹¹⁶⁹ In view of the third level of ensoulment, child with disabilities may be put in the second level i.e. delayed hominization. If they belong to the delayed hominization, it implies that the basic faculties of the human person are still taking shape. It would be wrong to terminate the life of a child while the process of full realization of his or her potential is still in the process of being fulfilled. It is at this points that the child ought to be given full medical and social support, to create an environment befitting the realization of full growth and maturity of the soul, the capacity to know reality and the free will to choose what the intellect presents as best for the person. When consider of the child with disabilities, areas of further consideration consist the time when the child possess the intellectual faculty to comprehend things in the world. General knowledge and experience does not approve such a reality as a true reflection of what is happening among children with disabilities. The truth is that they do not comprehend reality as we know do and, if they do, it is very limited, due to their health and mental status. They may possess the human soul, but at this level the ensoulment may not yet be fully realized in them. The present project still upholds the theory of delayed hominization, which St. Thomas Aquinas alluded to. At this point, we are sure, beyond reasonable doubt, that at least the soul is present in a child, no matter how the child comprehends reality. The fact is that when a child is born he or she possesses the human soul, which renders the child and its life sacred. Ensoulment is the vital force and life- giving principle that is at work in the child, though to a limited degree. Deliberately getting rid of the child is tantamount to the violation of the inherent right of the child to life. The child has a human identity and integrity and his or her dignity ought to be affirmed and supported by society and any institution. Having made such an advance in the scientific research on ensoulment, the project will consider the facts established and incorporate them into the process of the formulation of a theology of human dignity for children with disabilities.

¹¹⁶⁸ Ibid.

¹¹⁶⁹ Ibid.

5.5. THE PURSUIT OF THE GREATEST GOOD THEORY FOR ALL HUMANITY

Having studied the central theological normative of human dignity, as presented in the social teaching of the Roman Catholic Church, it is now time to affirm that the social doctrine taught by the Church forms an integral part of her teaching about human life.¹¹⁷⁰ The subject matter of human dignity, as discussed in the various social encyclicals, embraces social justice issues that directly deal with issues of justice. The whole framework of justice aims at the propagation of order in society, achieving the good of individual persons, that is, equity and the good of all people, i.e. the common good.¹¹⁷¹ In view of the intended goals of the Social Teaching of the Roman Catholic Church, the present project aims at pursuing the achievement of equity and the good. At the same time, the achievement of the good of an individual person would eventually lead to the establishment of the greatest good of, or for, all humanity. The two, equity and the common good of the greatest good of all humanity, are related. Each one builds on the other. This assumes that one cannot achieve the highest or greatest good for all humanity without considering the good of an individual person. In the process of the formulation of a theology of human dignity for children with disabilities, the research project will account for both justice as equity and justice as the greatest good for all humanity.

5.5.1. JUSTICE AS EQUITY

The theme of justice as equity was discussed in the third chapter as one of the concepts of human dignity. It resolved that an individual person is treated or given anything according or proportional to his or her needs.¹¹⁷² This is based on the social principle i.e. to each per his or her needs.¹¹⁷³ Need in this case does justice to certain necessities of life that each person has without which the individual person would be incapable of participating fully in society. The project aims at informing the wider community that much that we need to meet the goals of social justice and the needs of certain individual persons, ought to have priority. In this case, the needs of those who are poor, marginalized, discriminated against, abandoned, dumped and especially disabled infants, ought to be given priority. It is only

¹¹⁷⁰ Calvez, J.Y., (Ed), (1964), *The Social Thought of John XXIII and the Meaning of the Church's Social Doctrine*, London: Burns and Oates, 90.

¹¹⁷¹ Ibid.

¹¹⁷² Felix, E. (1972), *Oppenheim, The Concept of Equality*, in Sills, D.L., (Ed), *International Encyclopedia of the Social Sciences*, New York: The Macmillan Company and the Free Press, Vol. 5, 106.

¹¹⁷³ Ibid.

when this group of people is given the opportunity to realize its potential that we can claim that we are moving towards the realization of integral human development.

5.5.2. THE COMMON GOOD THEORY

The common good theory states that, in keeping up with the social nature of the human person, the good of each individual person is necessarily related to the common good defined in reference to the human person.¹¹⁷⁴ The common good theory advocates the well-being of all humanity within the context of their environment.¹¹⁷⁵ It takes into account everything that sustains, supports and affirms the progress of human life.¹¹⁷⁶ From the observation above, the common good theory goes beyond the needs of a particular person or group of people. It embraces all life including the life of a child with disabilities. The Catechism of the Roman Catholic Church employed the idea that, in the process of achieving the common good, prudence ought to be the guiding principle.¹¹⁷⁷ The theory further presupposes respect for each person, including respect for the fundamental and inalienable rights of the human person.¹¹⁷⁸ The theory calls for every individual to act per the sound and well-informed norms of individual conscience as discussed in the previous sections above. The Social Teaching of the Church in conjunction with other related non-governmental entities advocates the integral human development that constitutes the social well-being of society.¹¹⁷⁹ It aims at establishing peace and a just order in the community. The common good theory acknowledges human interdependence, the unity of the human family and embracement of all people.¹¹⁸⁰ The Catechism of the Roman Catholic Church states that the common good is always oriented towards the progress of persons.¹¹⁸¹ *Gaudium et Spes* affirmed the above premise, when it stated that the common good comprises the sum total of social conditions which allow people, either as groups or as individuals, to reach their

¹¹⁷⁴ CCC, Art. No. 1905, 457.

¹¹⁷⁵ Ibid.

¹¹⁷⁶ Ibid.

¹¹⁷⁷ CCC, Art. No. 1906.

¹¹⁷⁸ Ibid.

¹¹⁷⁹ International Disability and Development Consortium, (2005), *Inclusive Development and the Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities*, London: Handicap International Vivre Debout, 3-10. The UN Convention affirmed that persons with disabilities have lived on the margins of society for too long. They continue to be disempowered and excluded socially, economically, and politically. The process of developing a convention addressing the human rights of persons with disabilities has thus far and must continue to include the central participation and leadership of persons with disabilities themselves. IDDC has developed a task group on the UN Convention that is responsible for contributions to the convention process and will continue to ensure that inclusive development issues are highlighted.

¹¹⁸⁰ CCC, Art. No. 1912, 458.

¹¹⁸¹ Ibid.

fulfilment more completely and more easily.¹¹⁸² In this case, the social conditions of the individual children with disabilities are at stake, needing society to respect and promote the fundamental rights of each child living with disabilities. Society has the duty to manage the security of all its members, particularly the most vulnerable groups of people. It is only through the advocacy of such principles and the proper implementation of the principle of the common good that we can attain and sustain the dignity of each human person in the society. The dignity of the human person requires the pursuit of the common good.¹¹⁸³ The formulation of a theology of human dignity, which is based on the Social Teaching of the Roman Catholic Church requires that each person takes an active role in creating the social conditions that will uplift the lives of children with disabilities.¹¹⁸⁴ The discourse informs us then that the equal dignity of human persons requires the effort to reduce excessive social and economic inequalities that are the root causes of discrimination. The present work therefore advocates for the pursuit of the greatest good theory for all humanity, since it takes into consideration the needs of each individual person. Children with disabilities would become the beneficiaries of the good of society. The theory would thus substantiate significantly the formulation of a theology of human dignity that is based on the Social Teaching of the Roman Catholic Church, which is relevant to children with disabilities.

5.6. FOUNDATIONS OF PROFESSIONAL BIO-MEDICAL ETHICS IN RELATION TO TREATMENT FOR CHILDREN WITH DISABILITIES

We have so far discussed the central theological normative of human dignity, as envisaged in the Social Teaching of the Roman Catholic Church. Further to the above reflection, the research project affirmed the need to pursue the greatest good theory, which may bring about integral human development that is inclusive of children with disabilities. This exposition will open new avenues and world views on which the theology of human dignity will be formulated. For example, the formulation of the theology of human dignity, the research

¹¹⁸² G.S., Art. No. 26, # 1.

¹¹⁸³ CCC, Art. No. 1926.

¹¹⁸⁴ International Disability and Development Consortium, (2005), *Inclusive Development and the Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities*, London: Handicap International Vivre Debout, 3-10. Some of the approaches to issues of child disabilities that would ensure integral human development among children with disabilities are the new models of disability which redefine persons with disabilities as full members of society who have important contribution to make to their families and communities. This revised thinking is often called the social model of disability that sees the state of disability as the interaction between a person with disabilities and the disabling social environment through discriminatory and isolating barriers to access and full participation in society. It further recognizes persons with disabilities as rights-holders who can and should determine the course of their lives to the same extent as any member of society and can define limitations imposed by the social and physical environment as infringements on people's rights.

project will consider what could be called the ground-breaking foundations of professional bio-medical ethics¹¹⁸⁵ that would act as pillars on which the theology of human dignity would rest its basis and strength. The objective of the foundations of professional bio-medical ethics is the sustainable care of the children with disabilities. Care of the sick in this regard may refer to neonatal treatment, the palliative care of children with disabilities. Neonatal treatment would be considered as acts of Christian charity aimed at saving the life of the infants.¹¹⁸⁶ The reality seems to suggest that children with disabilities have often been denied of proper neonatal treatment or else there was no provision of the medical facilities.¹¹⁸⁷ In some cases, feeding apparatus were removed hence the denial of life-prolonging medical treatment.¹¹⁸⁸ Such medical treatments and conditions assigned to children with disabilities have resulted in instant death of the children, due to starvation and dehydration.¹¹⁸⁹ The justification of such malpractice in the medical field has been based on the perception that the life of children with disabilities is of low quality, not worth living and a burden to the family.¹¹⁹⁰ Medical negligence of that sort is regarded as one of the highest forms of harm and aggressive treatment that robs the child's dignity and integrity.¹¹⁹¹ In reference to the various concepts of human dignity, as presented in the third chapter, such medical treatment would be rendered unprofessional and defeating the very same goals and values that are meant to be achieved in the field of health and medicine. In view of such realities of life in the medical field, the project presents the ground-breaking foundations of professional bio-medical ethics that ensure the dignity and integrity of children with disabilities.

¹¹⁸⁵ Johnson, E., (2016), *Disability, Medicine, and Ethics*, in *American Medical Association Journal of Ethics*, April Issue, Volume 18, No. 4, 355-358. Professionalism in Medical Ethics implies the sense of awareness of the plight of people with disabilities, making essential advances in the treatment of individuals with disabilities where possible, being able to extend their lifespan using medicine and all related facilities and to facilitate the broader social and medical communities to make advances towards the realization of the rights of peoples with disabilities and in this case, we mean children with disabilities.

¹¹⁸⁶ Ibid.

¹¹⁸⁷ Tubbs, J.B., (Ed), (1996), *Christian Theology and Medical Ethics: Four Contemporary Approaches*, London: Kluwer Academic Publishers, 4-5.

¹¹⁸⁸ Johnson, E., (2016), *Disability, Medicine, and Ethics*, in *American Medical Association Journal of Ethics*, April Issue, Volume 18, No. 4, 355-358. A well-known major factor has been the act of discrimination against people with disabilities by the medical community normally known as medical institutionalization which until in the 1960 or even at present in some other institutions of medicine, medical institutionalism aims at segregating individuals with disabilities i.e. assigning lesser value to the lives of those with disabilities.

¹¹⁸⁹ Ibid.

¹¹⁹⁰ Ibid.

¹¹⁹¹ May, W.F., (2002), *The Medical Covenant: An Ethic of Obligation or Virtue?* In Messer, N., (Ed), *Theological Issues in Bioethics: An Introduction with Readings*, London: Darton. Longman Todd, 165-169.

5.6.1. THE AUTONOMY OF THE CHILD WITH DISABILITIES

Regarding the medical care accorded to children with disabilities, the project aims at an extensive search for a common set of values that would awaken a sense of moral obligation for the medical professionals as they pursue their duties. In medical ethics, autonomy would refer to the capacity to construct oneself, to give oneself a determination, starting from one's own choices and with the utmost freedom.¹¹⁹² Autonomy must do with self-fulfilment of one's choice in life, without being coerced by external forces and influences.¹¹⁹³ We could then say that it is the patient's capacity to choose what is best for him or her. Ultimately autonomy considers intention, i.e. that the choice is made in accordance with a scheme of life or path to self-fulfilment, sufficient knowledge, both nature of the chosen action and its consequences, and the exclusion of outside coercion or manipulation.¹¹⁹⁴ The assumption is that the patient participates fully in the decisions made concerning his or her life and affirms the type of treatment that best suits his or her choices. Autonomy further assumes that rational agents are involved in making well-informed and voluntary decisions regarding the type of treatment to be undertaken.¹¹⁹⁵ This assumes that the patient has the capacity to act intentionally. Respect for autonomy therefore takes into consideration the informed consent of the patient and transactions regarding his or her health.¹¹⁹⁶ Unfortunately, respect for autonomy may not be applicable to children with disabilities. This is because such infants lack the capacity to reason and comprehend reality since their basic faculties of life are still under developed.¹¹⁹⁷ The medical/health situation makes them completely incapable of any participation on whatever issue that may be involved.¹¹⁹⁸ They are not rational agents who would engage the medical profession. All the same, respect for autonomy would still be a solid foundation for professional bio-medical ethics, in the sense that the medical profession would opt to take a path that would be in the best interests of the child. In normal circumstances, the child would not desire anything bad of his or her self. The child would

¹¹⁹² Etzberria, X., (2002), *Autonomy* in Stexhe, G.D., Verstraeten, J., (Eds), *Matter of Breath: Foundations for Professional Ethics*, Leuven: Peeters Publishers, 160.

¹¹⁹³ Ibid.

¹¹⁹⁴ Ibid.

¹¹⁹⁵ Ibid.

¹¹⁹⁶ Ibid.

¹¹⁹⁷ Kavanagh, S., (2012), *Disability in Childhood*, in <http://www.patient.info/doctor/disability-inchildhood>, Posted on March 14, Accessed on December 24, 02:06 GMT. Children may find more difficult to learn or understand things due to their mental retardation or the degree of disability. This might be the result of developmental delays, physical or sensory disability; emotional/behavioural problems and other related problems in child development process.

¹¹⁹⁸ Ibid.

always desire happiness.¹¹⁹⁹ This would be considered as being in the best interest of the child. The medical profession ought to respect, always, what would be considered the best option for the child. It cannot be anything else other than the achievement of happiness.

5.6.2. THE PRINCIPLE OF NON-MALEFICENCE

Non-maleficence and beneficence are two inseparable principles that are used in medical ethics.¹²⁰⁰ They are central to a trust-based healthcare system.¹²⁰¹ Non-maleficence is defined as an ethical principle that is used in healthcare whereby medical professionals are obliged to go beyond avoiding harm to a patient.¹²⁰² The obligation is to create benefit and contribute to optimum health for the patient. The principle does not always mean that a medical professional cannot ever cause harm to patients to treat them rather sometimes harmful action is necessary as means of treatment.¹²⁰³ The benefits that you provide through your procedure should outweigh the suffering that you cause.¹²⁰⁴ This means that the benefit of procedures is balanced against harm. If there is greater benefit, then the act is viewed as an ethical one. From this exploration, non-maleficence means that someone has taken all necessary action to use the most appropriate treatment for the condition and has provided that treatment with the least amount of pain and suffering possible.¹²⁰⁵ In this case, the patient receives care with a trust that the treatment will not cause them harm, even if some pain and suffering is involved.¹²⁰⁶ This is one of the core oaths made by medical professionals in the school of medicine.¹²⁰⁷ It informs the medical profession to avoid causing harm or hurt at all cost.¹²⁰⁸ Of course, in other related medical instances causing harm is inevitable, though the

¹¹⁹⁹ Haan, M.D., (2013), *Children and Happiness*, in <http://www.open.edu/openlearn/body-mind/childhood-youth/childhood-and-youth-studies/childhood/children-and-happiness>., Posted on June 18, 16:34 GMT.

¹²⁰⁰ Pantilat, S., (2016), *Beneficence vs. Non-maleficence*, California: UCSF School of Medicine, in <http://www.missinglink.ucsf.edu/Im/ethics/Content%20Pages/fast-fact-bene-nonmal.htm>, Cited on December 24, 02:40 GMT. Beneficence is action that is done for the benefit of others. Beneficent actions can be taken to help prevent or remove harms or to simply improve the situation of others. Non-maleficence means to do no harm. Physicians must refrain from providing ineffective treatments or acting with malice towards patients. This principle offers little useful guidance to physicians since many beneficial therapies also have serious risks. The pertinent ethical issue is whether the benefits outweigh the burdens.

¹²⁰¹ Ibid.

¹²⁰² Beauchamp, T.L., & Childress, J.E., (2008), *Principles of Biomedical Ethics (6th Edition)*. New York: Oxford University Press, 191.

¹²⁰³ Ibid.

¹²⁰⁴ Pantilat, S., (2016), *Beneficence vs. Non-maleficence*, California: UCSF School of Medicine, in <http://www.missinglink.ucsf.edu/Im/ethics/Content%20Pages/fast-fact-bene-nonmal.htm>, Cited on December 24, 02:40 GMT.

¹²⁰⁵ Ibid.

¹²⁰⁶ Ibid.

¹²⁰⁷ Widdershoven, G.A.M., (2005), *Beyond Autonomy and Beneficence: The Moral Basis of Euthanasia in Netherlands* in Schotsmans, P., and Meulembergs, T., (Eds), *Euthanasia and Palliative Care in Low Countries*, Leuven: Peeters Publishers, 83.

¹²⁰⁸ Ibid.

ideal and objective goal is not to deliberately cause harm. In such instances when harm is inevitable, the patient is informed. She or he must come to terms with the reality of pain which results from the medical procedures to be taken. The principle in this regard requires that we do not intentionally create or cause harm or injury to someone through acts of commission or omission.¹²⁰⁹ The principle affirms the need for medical competence as a fundamental commitment on the part of the health care professionals to protect their patients from harm and any potential danger. The principle of non-maleficence points or leads to another principle of beneficence which compels health care providers to take positive steps towards the prevention of any possible danger of harm.¹²¹⁰ It becomes the duty of the health care provider to seek the benefit of the patient.¹²¹¹ Beneficence provides avenues for personal relationship between the health care-givers and the patient on medical grounds. Both principles would suffice to deal with children with disabilities. In the process of providing treatment, health-care givers ought to ensure that the infants are protected from harm and any possible danger to their lives.

5.7. MORAL IMPLICATIONS OF THE PRINCIPLES OF PROFESSIONAL BIO-MEDICAL ETHICS ON CHILDREN WITH DISABILITIES

The principle of professional bio-medical ethics aims at achieving human dignity, particularly for children with disabilities.¹²¹² One of the major moral implications is to realize human dignity for children with disabilities. Human dignity is a powerful human value, though vague to some extent, as Sulmasy had put it.¹²¹³ Sulmasy discussed the fact that every ethical theory requires a theory of value.¹²¹⁴ Sulmasy explored and affirmed the idea of intrinsic value, which places great moral emphasis on human dignity.¹²¹⁵ The concept of human dignity in this case compels each person to act in such a way that one treats

¹²⁰⁹ Widdershoven, G.A.M., (2005), *Beyond Autonomy and Beneficence: The Moral Basis of Euthanasia in Netherlands* in Schotmans, P., and Meulembergs, T., (Eds), *Euthanasia and Palliative Care in Low Countries*, Leuven: Peeters Publishers, 83.

¹²¹⁰ Beauchamp, T.L., & Childress, J.E., (2008), *Principles of Biomedical Ethics (6th Edition)*. New York: Oxford University Press, 191.

¹²¹¹ Ibid.

¹²¹² Johnson, E., (2016), *Disability, Medicine, and Ethics*, in *American Medical Association Journal of Ethics*, April Issue, Volume 18, No. 4, 355-358. Professionalism in Medical Ethics implies the sense of awareness of the plight of people with disabilities, making essential advances in the treatment of individuals with disabilities where possible, being able to extend their lifespan using medicine and all related facilities and to facilitate the broader social and medical communities to make advances towards the realization of the rights of peoples with disabilities and in this case, we mean children with disabilities.

¹²¹³ Sulmasy, D.P., (2005), *Death, Dignity, and the Theory of Value*, in Schotmans, P., and Meulembergs, T., (Eds), *Euthanasia and Palliative Care in Low Countries*, Leuven: Peeters Publishers, 96.

¹²¹⁴ Ibid. 97.

¹²¹⁵ Ibid.

humanity, whether in your own person or in the person of another, always as an end and not a means.¹²¹⁶ The principles of professional bio-medical ethics bring about the realization of the intrinsic value of human dignity, i.e. the highest value of the human person as observed from above.¹²¹⁷ It therefore recognizes the intrinsic value of human dignity in disabled infants. These principles are strong pillars on which a theology of human dignity will be sustained.

5.8. FORMULATION OF A THEOLOGY OF HUMAN DIGNITY THAT IS RELEVANT TO CHILDREN WITH DISABILITIES

This is the climax of the research project. It is the moment that is critical and crucial to the current scholarship. Its main objective is to give a scientific and theological response to the central question of the research proposal. The central question presented in the research proposal stated:

“What is the central theological framework of human dignity that is found in the Social Teaching of the Roman Catholic Church that could best respond to the current existential problem?”¹²¹⁸

The current existential problem is the abandoning of children with disabilities and the elimination of infants who are regarded as unwanted, because they are considered a burden to society and the family.¹²¹⁹ In the process of responding to the central question from the research proposal, the project, in the first place, explored the human situation of children with disabilities in the Province of KwaZulu-Natal. Using available data, the project confirmed the deplorable human situation of the children with disabilities.¹²²⁰ The magnitude of the problem revealed that the situation is morally disconcerting, needing scholarly research and human intervention.¹²²¹ The second chapter outlined the reasons, why there is

¹²¹⁶ Kant, E., (1981), *Ground Work for the Metaphysics of Morals*, AK 429 Translated by J.W. Ellington, Indianapolis: Hackett Publishers, 36.

¹²¹⁷ Ibid.

¹²¹⁸ This was the question on the theoretical frame-work posed in the thesis proposal as means of engaging the Social Teaching of the Catholic Church in the process of the formulation of the Theology of Human Dignity that is Relevant for Children with disabilities in KwaZulu-Natal, South Africa. At this point, it is re-cap and a means to formulate a new theology of human dignity befitting children with disabilities.

¹²¹⁹ This is now a fact which was established in the discussion on children with disabilities in the first chapter. The first chapter therefore affirmed that some children with mental and physical disabilities have been victims of abandonment, dumping and killing.

¹²²⁰ Pais, J., (1991), *Suffer the Children: A Theology of Liberation by a Victim of Child Abuse*, New York: Paulist Press, 5-6.

¹²²¹ Blackie, D., (2014), *Fact Sheet on Child Abandonment Research in South Africa*, Pretoria: National Adoption Coalition, SA's Adoption Assistance Centre, in <http://www.adoptioncoalitionsa.org/wp-content/uploads/2014/05/Fact-Sheet-Research-on-Child-Abandonment-in-South-Africa-Final12.pdf>, Posted on May 20, Accessed on December 24, 03:20 GMT. These facts were verified in the first chapter and on this note, we are referring to them as means to affirm our position regarding children with disabilities in KwaZulu-Natal, South Africa.

such an existential problem of children being abandoned, dumped, and killed. The idea was to establish a scientific approach to the human situation facing the infants. The third chapter established a scientific and theological approach to the existential problem. The chapter discussed various concepts of human dignity and how some of these concepts have led to the human malaise of children with disabilities. The fourth chapter gave a theological evaluation of the various concepts of human dignity, about some of the encyclicals of the Social Teaching of the Roman Catholic Church. Two documents were marked as key: Papal encyclical called *Evangelium Vitae* by Pope John Paul the Second and one of the Ecumenical Council documents of the Second Vatican Council entitled “*Gaudium et Spes*. The two documents, sacred scriptures and other related documents acted as theological reference points for the evaluation of the various concepts of human dignity. Aquinas represented the key Roman Catholic theologians on certain theological issues presented in the debate. In view of all this theological discussion and debate, the fifth chapter is hereby to formulate a theology of human dignity for children with disabilities. It will be regarded as special theology for infants that will be grounded on the Social Teaching of the Roman Catholic Church. The formulation of the theology for children with disabilities will automatically be responding to the central question from the research proposal. Simultaneously, it will be addressing the problem facing the children at large, especially those that are discriminated against due to their mental and physiological disabilities. The response to the central question has been gradual, because each chapter participated in the promulgation of the thesis and synthesis of the theological discussion and in the actual formulation of the theological response to the existing problem.

In consideration to the central theological framework of human dignity, the research project discussed the concepts of human dignity, as presented in the Social Teaching of the Roman Catholic Church. The first theological framework of human dignity was that which considered human dignity as the image and likeness of God. The concept of human dignity was common to most of the documents of the Social Teaching of the Roman Catholic Church. The second theological frame-work was human dignity as sanctity of life ethics. This was unique and central to *Evangelium vitae*. Some of the various concepts of human dignity that supported these theological frameworks are human dignity as an ethical concept, human dignity from the African perspective, human dignity as freedom and responsibility and human dignity as equity and natural law. These were the various theological concepts of human dignity that were studied. The first two theological frameworks of human dignity, i.e. human dignity as the image and likeness of God and human dignity as the sanctity of

life ethics, are biblical, emanating from the theology of creation, the creation of the human endowing him or her with the breath of life, ensoulment.¹²²² From the above explorations, we discover two theological statements namely: that creation of the human person in the image and likeness of God rendered him or her unique, sacred and different from the rest of God's creatures. Secondly, we affirm that the breath of life, the vital force or the soul endowed on the human person, sanctifies a person. The human soul given to each person renders his or her life sacred.¹²²³ Therefore the two theological frameworks of human dignity are theocentric in nature.¹²²⁴ The second group of theological frameworks is human dignity as an ethical concept, human dignity as rights, human dignity as freedom and responsibility, human dignity as equity and natural law. These frameworks of human dignity are strictly rooted in the social doctrine of the Roman Catholic Church.¹²²⁵

5.8.1. THEOCENTRICITY OF HUMAN DIGNITY

The research project looked at the various concepts of human dignity, as outlined in the third and fourth chapters. One of the dominant concepts of human dignity was that the human person was created in the image and likeness of God.¹²²⁶ Human dignity as the image and likeness of God is rooted in the story of creation. God created the human person in his image and likeness.¹²²⁷ The human person was graced with a special and unique value, flowing from his or her relationship with God the creator. The human person gained a unique status, rendering his or her personhood and life as sacred.¹²²⁸ Human person could be seen in terms of having an inestimable worth and inalienable rights that are inherent in his or her being a person.¹²²⁹ We therefore acknowledged the worthiness of a person in relation to being

¹²²² CCC, Art. Nos: 362-368, 112-113.

¹²²³ Ibid.

¹²²⁴ Pope John Paul II, (1995), *Evangelium Vitae, On the Gospel of Life*, in <http://www.vatican.va/holy-father/john-paul-ii/encyclicals/documents/hf-jp-ii-enc-25031995-evangelium-vitae-en.html>, Posted on November 20, 2008, 6:54:17 GMT. A reflection on the encyclical letter of Pope John Paul II i.e. *Evangelium Vitae*, the current discourse used his understanding of the theocentric nature of human dignity in relation to the sanctity of life ethics as he presented in the encyclical. We therefore affirm that human dignity in this discourse has a deep connection to Christian social theology because of its references to the Social Teaching of the Catholic Church as enshrined in *Evangelium Vitae* and *Gaudium et Spes* i.e. one of the Conciliar documents of the Vatican Council II. The current discourse is also rooted in some biblical themes highlighted in *Gaudium et Spes* i.e. creation in the image and likeness of God, a direct delineation of the Old Testament – Genesis narrative of the creation story. In this sense, the current discourse locates the concept of human dignity within the frame-work of God-created order and within God-desired social order of the world. It is therefore very theocentric in nature and composition.

¹²²⁵ Pontifical Council for Justice and Peace, (2004), *Compendium of the Social Doctrine of the Catholic Church*, Nairobi: Paulines Publications Africa, 60-86.

¹²²⁶ Ibid. Article 108, 61.

¹²²⁷ RSV, Gen. 2:7.

¹²²⁸ *Compendium of the Social Doctrine of the Catholic Church*, (2004). Art. No. 388.

¹²²⁹ Ibid.

created in the image and likeness of God. The dignity of a person denoted respect for status and personal worth rooted in the concept that God created the person in his own image and likeness. The same concept of human dignity discussed in chapters three and four runs through most of the papal encyclicals, particularly the social encyclicals, which form part of the major documents that constitute the Social Teaching of the Roman Catholic Church. In most of these documents, the concept of human dignity as rights is predominant. Human rights find their meaning and value when they are understood in relation to God and the creation of the human person. As stated in the Social Teaching of the Catholic Church, the idea of dignity derived from the idea of God himself.¹²³⁰ Examining the various discourses on human dignity, we noticed that God is at the centre of all the discourses on human dignity. The human person acquired special status in the society only in reference to God as creator. The basis of the human person's dignity lies in the fact that he or she was created by God in his own image and likeness. The theology of human dignity ought to be understood as being theocentric in nature.¹²³¹ It is deeply rooted in God and finds its expression in a human person. It is only when a person finds a relationship with God the creator that he or she finds value in existence. Human rights, particularly inherent rights, are articulated on the fact that God rendered the person in image and likeness.¹²³² The pro-life ethic also acknowledged the same pattern or approach, i.e. natural laws exist and operate in a manner that upholds the dignity of the person and that of the whole of creation.¹²³³ It is unfortunate that the situation of children with disabilities leaves a lot to be desired. There is an indirect affirmation of certain rights which favour the termination of human life, for instance the killing of infants who are regarded as unwanted by their mothers, families and society at large, as a means of achieving liberty and the right to choose, as advocated by most activists who consider themselves as radical progressivists.¹²³⁴ A theology of human dignity will have to address

¹²³⁰ Ibid.

¹²³¹ Pope John Paul II, (1995), *Evangelium Vitae, On the Gospel of Life*, in <http://www.vatican.va/holy-father/john-paul-ii/encyclicals/documents/hf-jp-ii-enc-25031995-evangelium-vitae-en.html>, Posted on November 20, 2008, 6:54:17 GMT. A reflection on the encyclical letter of Pope John Paul II i.e. *Evangelium Vitae*, the current discourse used his understanding of the theocentric nature of human dignity in relation to the sanctity of life ethics as he presented in the encyclical. We therefore affirm that human dignity in this discourse has a deep connection to Christian social theology because of its references to the Social Teaching of the Catholic Church as enshrined in *Evangelium Vitae* and *Gaudium et Spes* i.e. one of the Conciliar documents of the Vatican Council II. The current discourse is also rooted in some biblical themes highlighted in *Gaudium et Spes* i.e. creation in the image and likeness of God, a direct delineation of the Old Testament – Genesis narrative of the creation story. In this sense, the current discourse locates the concept of human dignity within the frame-work of God-created order and within God-desired social order of the world. It is therefore very theocentric in nature and composition.

¹²³² Pontifical Council for Justice and Peace, (2004), *Compendium of the Social Doctrine of the Catholic Church*, Nairobi: Paulines Publications Africa, 82-86.

¹²³³ CCC, Art. Nos: 362-368.

¹²³⁴ Pais, J., (1991), *Suffer the Children: A Theology of Liberation by a Victim of Child Abuse*, New York: Paulist Press, 5-6.

this situation by making a claim that theology of human dignity is relevant for their current situation. It would ensure that children with disabilities' plight is resolved. We therefore make an appeal to the theocentric nature of human dignity as a theological provision to resolve the plight of children with disabilities.

5.9. CHILD THEOLOGY MOVEMENT

Child Theology Movement has emerged recently and belongs to a world-wide span of Christian activity that is concerned with the welfare of children.¹²³⁵ The idea is to critically analyse the experience of children in general and advance the lives of children in the light of Gospel values. White defined "Child Theology" as a theology that takes as its source the example of Jesus Christ, who placed the child amid his disciples in the Gospel of Matthew, chapter 18.¹²³⁶ Child Theology begins, per White, with Jesus and takes what he did and said very seriously.¹²³⁷ The present study has presented the contextual situation of children with disabilities. The reality is that there are children who have been abandoned by their parents because they are considered as unwanted.¹²³⁸

5.9.1. THE VISION AND MISSION OF CHILD THEOLOGY MOVEMENT

One of the outstanding vision of Child Theology Movement is basically the implementation of human rights for the well-being of children.¹²³⁹ It is about the promotion of positive activism towards issues that affect infants. Child Theology is not a different theology rather it is the same with the rest of other theologies.¹²⁴⁰ What is specific about Child Theology and Child Theology Movement is its unique approach. The point of departure for Child Theology Movement is the child itself.¹²⁴¹ It is about reclaiming the welfare of the child during the

¹²³⁵ White, K.J. and Wilmer, H., (2006), *Introduction to Child Theology*, in Bunge, M.J., (Ed), *Key Topics in Child Theology Series*, London: The Child Theology Movement Limited, 9-23. Child Theology is an investigation that considers and evaluates central themes of theology – historical, biblical, and systematic – in the light of the child standing beside Jesus during the disciples. This child is like the lens through which some aspects of God and his revelation can be seen more clearly or if you like, the child is like a light that throws existing theology into new life.

¹²³⁶ White, K.J., (2006), *Insights into Child Theology Through the Life and Work of Pandita Ramabai*. Paper presented for Oxford Centre for Mission Studies. Tuesday 31st October. 2.

¹²³⁷ Ibid.

¹²³⁸ *Health Systems Trust Annual Report 2014/15*. Posted on 22nd January 2016. A Leading Resource on Health Systems and Primary Health Care in Southern Africa.

¹²³⁹ White, K.J. and Wilmer, H., (2006), *Introduction to Child Theology*, in Bunge, M.J., (Ed), *Key Topics in Child Theology Series*, London: The Child Theology Movement Limited, 9-23.

¹²⁴⁰ Ibid.

¹²⁴¹ Ibid. The article states that we are in favour of setting out some of the rights of children and there is no reason for Christians to belittle the rights of the child but we must reckon with the profound difference between affirming rights as inherent in the independent being of the creature on the one hand and rights as intrinsic to the relation with God on the other.

contemporary situation of child abuse and violation of their inherent rights.¹²⁴² The focus of this movement is the child. The contemporary situation in Africa reflects the reality that millions of children are crying because of suffering.¹²⁴³ The project at hand has given a unique theological reflection on the suffering of children with special attention given to children who are born physical and mental disabilities. They constitute the marginalized group of people in society. Per Knoetze, Child Theology seeks to deepen the understanding of God's revelation through the hermeneutical lens of the children with disabilities.¹²⁴⁴ In this debate, the mission of Child Theology Movement is to be a prophetic voice in solidarity with children who are suffering.¹²⁴⁵ It therefore addresses various issues that drain the joy of living in the context of different forms of violence and child abuses. One of its mission is to bring about an awareness of the situation facing children in general and this project used Child Theology to specifically address the welfare of children who are born with physical and mental disabilities. In the face of this reality, the Child Theology Movement is committed to addressing the welfare of children in general, while at the same time looking at the contextual situation of their experience. The study begins with a theological matter and tries to identify an increasing range of theological issues that challenge the existing reality.¹²⁴⁶ The study realizes that babies are also human beings created by God and they, too, participate, in their own way, in the mission of God here on earth. This is because children are at the heart of family life and society. Conventions on the rights of children have been instituted, promulgated and advocated, although in some instances they have been violated and ignored.¹²⁴⁷ The autonomy of an individual child, especially those who are born with disabilities, has been heavily compromised in some other circumstances by individuals who have been perpetuating violence against children in society. Some of the contemporary political ideologies, as pointed out in the previous chapters, like the advocacy of the democratic dispensations, to some extent, has influenced other people to claim the right to choose what they want in life resulting in the dumping of children whom they consider

¹²⁴² Ibid.

¹²⁴³ Malherbe, J., (2004), *Child Theology in Africa*. A Paper Presentation at the "Hear Cry" Conference held in Nairobi, Kenya 17th – 21st May.

¹²⁴⁴ Knoetze, H., (2015), *Together Towards Life and Evangelii Gaudium: Implications for African Child Theology Today*. In On-Line Article, <http://dx.doi.org/10.7832/43-2-96>. Pretoria: Vol. 43, No. 2, Missionalia.

¹²⁴⁵ Ibid.

¹²⁴⁶ White, K.J., (2006), Insights into Child Theology Through the Life and Work of Pandita Ramabai. Paper presented for Oxford Centre for Mission Studies. Tuesday 31st October. 3.

¹²⁴⁷ *United Nations Convention on the Rights of Persons with Disabilities*, (2006), Article Nos. 1. The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and to promote respect for their inherent dignity. Persons with disabilities include those who have long term physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

unwanted. The wellbeing of the child and the child-friendly culture has been overshadowed to some degree by such personal choices based on the right to choose. Relating to Child Theology and the current study on the theology of human dignity in relation to children, the South African Constitution upholds that the child's best interests are of paramount importance in every matter concerning their wellbeing as children.¹²⁴⁸ The Just Administrative Action Draft Bill on disabled children states that the parents or guardians of children with disabilities are entitled to state disability grants.¹²⁴⁹ It is therefore in line with the above affirmative call to action that theology and development as an academic theological entity would benefit from the current project as a process of achieving a theology of human dignity that would bring about integral human development that is relevant to children with disabilities. The study is a pilot project for advocacy using theology and development as a platform in the process of achieving holistic development in society.

5.9.1.1. INTEGRAL HUMAN DEVELOPMENT

The scholarly discourses on human dignity expressed a dichotomy among the different scholars, pointing to a variety of notions that is relative on how they understood human dignity.¹²⁵⁰ It is then difficult to reach consensus on the level of what it means to live a dignified life in the context of various approaches to the same concept. From the theological point of view, various scholars have discussed the concept of human dignity, each producing a unique approach and understanding.¹²⁵¹ The scope of the current research is to deal with the concept of human dignity as presented in the Social Teaching of the Roman Catholic Church with the aim of formulating a theology of human dignity that is relevant to children with disabilities. It engaged the various concepts and interpretations of human dignity. In this case, the new theology of human dignity must account for the integral human development of society.¹²⁵² The development of the individual person necessarily entails a

¹²⁴⁸ HRC *Quarterly Review*, (1999), *Children's Rights and Personal Rights*, Section 28 (2). 1.

¹²⁴⁹ Ibid.

¹²⁵⁰ Chapman, A.R., (2011), *Human Dignity, Bioethics and Human Rights*, Amsterdam: Law Forum VU University Amsterdam, 1-10. While human dignity is a powerful evocative and widely affirmed concept, it is elusive as to its precise meaning and requirements. For some people dignity refers to the essential and inalienable core of human nature but there is disagreement as to what the distinguishing feature of human nature is and what exactly constitutes the source of dignity. For human rights theorists, human dignity refers to the intrinsic worth of all human beings and the requirement that all human beings should be treated with appropriate respect, but scholarly work on human rights has partially defined the contents and requirements of that human dignity.

¹²⁵¹ Cohen, M.D., (2011), *A Concept of Dignity*, 44. Rev. 9, in <http://scholarship.law.berkeley.edu/facpubs/1882>, Cited on December 24, 06:09 GMT.

¹²⁵² Paul VI, (1967, March 26). *Encyclical Letter, Populorum Progressio. On the Development of Peoples*, 43-44: Acta Apostolic Sedes, (AAS 59), Art. 14, 278-279.

joint effort for the development of the race.¹²⁵³ We ought to work towards building a common future of humanity. In this endeavour, universal charity, i.e. the effort to build a more humane world community, is inevitable. A theology of human dignity will be a unique enterprise that will consolidate the human situation of children with disabilities. Pope Paul VI was acclaimed as the defender of human dignity, herald of rights of the human person, upholder of religious liberties, champion of peace in the world and an activist who fought against all forms of social discrimination.¹²⁵⁴ Paul issued *Populorum Progressio*, i.e. the development of peoples, soon after the Second Vatican Council, which was regarded as a major theological contribution towards the ending of all sorts of social discrimination.¹²⁵⁵ He became the architect and champion of integral human development. He stated that any development, to be authentic, must promote the good of every person and the whole person.¹²⁵⁶ He critically explained that development is primarily about people and the quality of people's lives and not just about the quantity of goods.¹²⁵⁷ The idea of Paul concurs with the concept of dignity as freedom, responsibility, equity, and natural law. In all these concepts, the central object of discussion is the human person. The idea was that the realization of human dignity consists of the assurance that all the basic tenets of human life are accounted for. The Pope alluded to the social aspect, pointing to the fact that unless we consider communal responsibility, authentic integral human development will not be achieved.¹²⁵⁸

Based on the concept of human dignity as lived in Africa, the communal dimension is vital. It is the community that promotes and protects the human identity. It is the mandate of the community to take responsibility over certain ideologies and actions that discriminate against people. In the context of infants who are often discriminated, against, the encyclical called for a bold transformation and innovations that go deep into the reality of the human situation.¹²⁵⁹ What is at stake here is the human situation of children with disabilities. The formulation of a theology of human dignity ought to account for the dignity of the infants as persons, whose defence has been entrusted to us by the creator, to and from whom we owe

¹²⁵³ Ibid.

¹²⁵⁴ Ibid.

¹²⁵⁵ Pope Paul VI, (1967), *Populorum Progressio* on the Development of Peoples, in Neuner, J. and Dupuis, J., (Eds), *The Christian Faith in the Doctrinal Documents of the Catholic Church*, Bangalore: Seventh Revised and Enlarged Edition, Theological Publications, 925-930.

¹²⁵⁶ Ibid.

¹²⁵⁷ Ibid.

¹²⁵⁸ Marist Brothers Commission for Poverty and Justice, (1986), *The Social Teaching of the Catholic Church*, Johannesburg: Cornerstone Book Publishers, 43.

¹²⁵⁹ Ibid. 45.

our responsibility.¹²⁶⁰ To this effect, communal responsibility is called for. The actualization of basic human rights ought to be the basis of our moral legitimacy. In the execution of our communal moral responsibility, the research project calls for the total renunciation of fears, prejudices, bad attitudes, pride, and selfishness. Aquinas, in the affirmation of the spirit of the premise, stated:

“Each member of the human body exists for the sake of the whole as the imperfect for the sake of the perfect hence a member of the human body is to be disposed of according as it may profit the whole...”¹²⁶¹

The idea of authentic integral human development accounts for the other as another self, respect for the fundamental human rights and the achievement of the totality and integrity of the whole person.¹²⁶² Therefore a theology of human dignity for children with disabilities ought to take into consideration the element of authentic integral human development. It is the incorporation of the above premise that society will be able to acknowledge human identity, integrity, and dignity of children with disabilities.

5.9.1.2. A THEOLOGY FROM BELOW

In the process of formulating a theology of human dignity that is relevant for children with disabilities, the research project has improvised what could be called contextual theology.¹²⁶³ The first chapter dealt with the current existential reality of the human situation of children in KwaZulu-Natal who are facing untold atrocities, ranging from being denied their human identity, abandoned, dumped or killed.¹²⁶⁴ The first chapter further explored the experience of some of the children who suffer from such deplorable realities of life. The human experience of the infants in KwaZulu-Natal prompted the research project and became a source of our theological reflection of the subject matter. The reflection considered the concrete life experience of the infants who have lost their lives in the process and those who

¹²⁶⁰ Pontifical Council for Justice and Peace, (2004), *Compendium of the Social Doctrine of the Catholic Church*, Nairobi: Pauline’s Publications Africa, Art. No. 1929, 460.

¹²⁶¹ *Summa Theologiae*, II-II, 65.1.

¹²⁶² Pontifical Council for Justice and Peace, (2004), *Compendium of the Social Doctrine of the Catholic Church*, Nairobi: Pauline’s Publications Africa, Art. No. 1929, 460.

¹²⁶³ Prabhu, S., (2016), *Models of Contextual Theology*, in <http://www.academia.edu/4696625/Models-of-Contextual-Theology>, Cited on December 24, 06:45 GMT. Contextual theology can be defined as a way of doing in which one considers; the spirit and the Gospel; the tradition of the Christian people; the culture in which one is theologizing and the social change in that culture whether brought about by western chronological process or the grass-root struggle for equality, justice, and liberation. Therefore, theology that is contextual realizes that culture, history, contemporary thought forms and so forth are to be considered along with scripture and tradition as valid sources for theological expression.

¹²⁶⁴ Thangwane, R., (2012), *Don’t Keep Going until You Reach Breaking Point, Get Help Early for Post-Natal Depression*, in *The Saturday Star News*, June 16, 10.

have survived under difficult circumstances. A critical reflection on children with disabilities was given in the second chapter, which was critical about the infant's life situation and expressed a general dissatisfaction on the implementation of the socio-medical policies of the nation. The project undertook an exploration of the reality from grass roots level. The idea was to establish the contextual human situation concerning children with disabilities. This would be what Kalilombe called doing theology from below.¹²⁶⁵ Such an approach is like what other theologians called contextual theology.¹²⁶⁶ Doing theology from below is a way of theologizing, i.e. studying the content of our faith, morals, and traditions from grass roots level. It takes into account the spirit and the message of the Gospel, the tradition of the Church, the culture in which one lives, the social dynamics of a particular culture and the basic sense of justice, equality and liberation.¹²⁶⁷

Having looked at the existential problem in Kwazulu-Natal concerning children with disabilities in the previous chapters, we came to an awareness that some children are left on the periphery, implying that they are often not regarded as being fully human, their human identity and dignity are often neglected. As Mosoeu once had put it, when he was talking about the theology of God of the periphery, said:

‘‘Here salvation has to do with wonder and surprises where the spirit of the living God blows where it wills. Untidiness, stench, chaos, unpredictability and living life to the full are normatives.’’¹²⁶⁸

In other words, to be on the periphery of one's existence is to live on the edge of life where limited number of people recognize your existence and worst still, your potential. In this regard, to be considered human becomes an issue that calls for moral attention. Regarding the current discourse, we consider such inclinations i.e. the existential problem as destructive ethos that dehumanizes the vulnerable children with disabilities. It is with regard to this existential problem, and the moral dynamics involved that calls for an academic theological engagement as means to secure a future for our children with disabilities. The question is: how do we make a break-through to this cycle of violence? The research proposes a theology from below that directly deals with socio-cultural and political issues that directly affect children with disabilities who are most often left on the margins i.e. on the edge of life and

¹²⁶⁵ Kalilombe, P., (1999), *Doing Theology from Below*, Zomba: Kachere Book Series, 7-10.

¹²⁶⁶ Ibid.

¹²⁶⁷ Speckman, M.T., and Kaufmann, L.T., (Eds), (2001), *Towards an Agenda for Contextual Theology: Essays in Honour of Albert Nolan*, Pietermaritzburg: Cluster Publications, 17-30.

¹²⁶⁸ Mosoeu, E., (2005), *Religious Life: A Vocation to Live on the Edge of Life*, in 'Veritas', *A Dominican Journal*, Pietermaritzburg: Dominican Student Publications, September Issue, 10.

death to those on the periphery. Dealing with those on the periphery is one of the complex issues that has sometimes left people in dilemma. A classic moral theology from below is to take into account an act-as '*Actus Compositus*' i.e. viewing each case through the various aspects of the act.¹²⁶⁹

In this case, we can only make a moral judgement by looking at the interplay of various issues involved. The current discourse needs to consider a theology from below as it touches directly on the issues involved. It is therefore proper for this discourse to go down to the domain of those in the periphery if we are to achieve our goal. A theology from below first considers any human being as created in the image and likeness of God.¹²⁷⁰ This implies that from the very conception, man and woman alike, are endowed with a spiritual and immortal soul, with intellect and free will and are destined for eternal life and beatitude.¹²⁷¹ To this effect, Christ makes man and woman to be fully aware of their human dignity. Endowed with a spiritual soul, intellect and free will, any person is destined for eternal life. It is out of this moral obligation that our conscience urges us to do what is good and avoid what is evil particularly taking into account the existential problem at hand. Theology from below brings about an awareness of our inner voice which tells us to do good and to avoid evil as Paul said:

“Sinners who were not subject to the law will perish all the same, without that law; sinners who were under the law will have that law to judge them. It is not listening to the law but keeping it that will make people holy in the sight of God. For instance, pagans who never heard of the law but are led by reason to do what the law commands, may not actually possess the law, but they can be said to be the law. They can point to the substance of the law engraved on their hearts- they can call a witness i.e. their own conscience-they have accusation and defense i.e. their own inner mental dialogue...on the day when according to the Good News I preach, God through Jesus Christ judges the secrets of mankind, if you call yourself a Jew, if you really trust in the law and are proud of your God, if you know God’s will through the law and can tell what is right, if you are convinced you can guide the blind and be a beacon to those in the dark, if you can teach the ignorant and instruct the unlearned because your law embodies all knowledge and truth, then why not teach yourself as well as the other? You preach against stealing, yet you steal; you forbid adultery, yet you commit adultery; you despise idols, yet you rob their temples. By boasting about the law and

¹²⁶⁹ Van-Eeden, J., (2005), *The Moral Theology Today*, in '*Veritas*' *Dominican Journal*, Pietermaritzburg: Dominican Student Publications, September Issue, 18.

¹²⁷⁰ CCC 1700 – 1729.

¹²⁷¹ The Provincial Committee for the New Diocesan Catechism, (2008), *The Catholic Catechism for the Bamenda Ecclesiastical Province*, Bangalore: Claretian Publications, 389.

then disobeying it, you bring God into contempt. As scripture says: it is your fault that the name of God is blasphemed among the pagans.’’¹²⁷²

Reading aloud this quotation, Paul brings out clearly that without the law we still have our conscience to judge us. Conscience is one’s most secret core and sanctuary; there, one is alone with God whose voice echoes on her or his depth.¹²⁷³ It is judgement of reason by which the human person recognizes the moral quality of a concrete act.¹²⁷⁴ Theology from below takes into account our human experience, existence and context where we are challenged in a way by our own conscience within the perspectives of our own concrete acts. In this case, it refers to concrete acts of violence towards children with disabilities. A theology from below brings about some insights into contextual theology particularly a theology of those on the periphery. It is therefore vital for this discourse to take into account a theology from below since it brings a unique awareness into the plight of children with disabilities thereby resolving the existential problem. A theology from below would by default assist us to develop a Christian social conscience i.e. the need to educate ourselves and others in order to build a more just social order. It is an effort to become aware of the reality of what it means to be physically and mentally challenged. It is about the recognition of the human dignity enshrined in children with disabilities. It is about a careful reflection on the Christian value systems that would holistically be inclusive and bring into reality the virtue of compassion towards children with disabilities.

Theology from below takes the context of the poor, the marginalised, the weak, the abandoned, the dumped, those who suffer death that is uncalled for and those who are discriminated against as its object and basis of theology.¹²⁷⁵ The current research project sided strongly with the poor, the weak, and children whose lives are in danger. There is a general perception that the political past of the country contributed heavily to the reality of segregation, based on race and other relevant realities of life.¹²⁷⁶ The current general negative perception has its roots in the apartheid mentality whereby other classes of people are still deemed non-human.¹²⁷⁷ The current situation explains why some people disregarded children with disabilities. Having employed this theological approach, i.e. doing theology

¹²⁷² Ibid. 401-402.

¹²⁷³ CCC 1795.

¹²⁷⁴ Ibid.

¹²⁷⁵ Ibid.

¹²⁷⁶ Nolan, A., (1982), *The Political and Social Context*, in Prior, A., (Ed), *Catholics in Apartheid Society*, Cape Town: Citadel Press, 1-21.

¹²⁷⁷ Gruchy, J.D., Cochrane, J., and Petersen, R., (1988), *Towards A Practical Theology of Social Transformation*, A Workshop on Practical Theology, Federal Theological Seminary, February 10-12, 31.

from below, the research project used the content of our faith as a Christian response towards the address of the existential reality facing children with disabilities. In this case, the project improvised the praxis model by articulating the content of our faith as it has been handed down to us in the Scriptures and the social teaching of the Roman Catholic Church.¹²⁷⁸ The formulation of a theology of human dignity that is relevant for children with disabilities is one of the practical ways in which the Roman Catholic Church at large forms and informs the human community regarding the situation, of the children. It is also a way of applying the content of our faith to the concrete life situations particularly regarding the human malaise facing the children in the region. It is a reflective way of acting that involves the highest level of knowing reality. It is sometimes called faith seeking intelligent action.¹²⁷⁹ It is through the theology of human dignity that is relevant to children that God comes to us, affirms life, gives life and sustains life, in general.¹²⁸⁰ It is a way in which the Church empowers all humanity to take action towards safeguarding human life, particularly the lives of so many children who are at risk of being abandoned or dumped.¹²⁸¹ The project advocates for the active participation of all the people of goodwill, so that the human community can gravitate towards the realization of the authentic integral human development in the region. We ought to live together mutually and share our common witness of the Gospel and the values instituted in the various human rights charters. Finally, the current research project proposes a theological thesis, i.e. a theology of human dignity, that is relevant to children with disabilities and that is rooted in the social teaching of the Roman Catholic Church as a thus: Pro-Life Praxis Model of Theo-Contextual Theology.

5.10. CONCLUSION

Regarding the central question, Chapter Five marked the synthesis of all the discussion on the concept of human dignity and the epitome of our theological debate on the subject matter. The tone and the spirit of the letter in the chapter explicitly showed the gravity of the bioethical issue in question. It has established a theology of human dignity that is relevant for children with disabilities, based on the theological discussion on the various concepts of human dignity. It is deeply rooted in the sacred scripture, church tradition and in the Social

¹²⁷⁸ Prabhu, S., (2016), *Models of Contextual Theology*, in <http://www.academia.edu/4696625/Models-of-Contextual-Theology>, Cited on December 24, 06:45 GMT. The praxis model of theology is a way of doing theology that is formed by knowledge at its most intense level i.e. the level of reflective action. In this case praxis denotes a method or model of thinking in general and a method or model of theology.

¹²⁷⁹ Ibid.

¹²⁸⁰ *Compendium of the Catechism of the Catholic Church*, (2006), Article No.466-467.

¹²⁸¹ Haas, J.M., (1999), *Human Dignity and Health Care*, in Furton, E.J., and Dort, V.M., (Eds), *Ethical Principles in Catholic Health Care*, Boston: The National Catholic Bioethics Centre, 5-10.

Teaching of the Roman Catholic Church, considering the contextual situation. The project considered it to achieve authentic integral human development. We therefore formulate this model of theology: ‘A Pro-Life Praxis Model of Contextual Theology’. Praxis means reflective action- centred.¹²⁸² Contextual means God in a moment, location, culture, and situation. To this note, we therefore sat that the ‘Praxis Model of Contextual Theology’ means bringing a situation to God and applying the content of our faith in a situation. This is one of the possible means to pursue the common good that is inclusive. ‘A Praxis Model of Contextual Theology’ would bring about the realization of authentic integral human development. Chapter six will be a concluding chapter. It will recap the project discussion and exploration briefly. It will further outline the content of each chapter, present the research findings, give the recommendations to the various forums on how best they could explore and make use of the new theology of human dignity that has been established in the current theological debate. The chapter will show how it will disseminate the resolutions made in the project. The new theology established fits well into the- long term plan of theological activities within the region, as it will be a pilot project and reference point for other related developmental projects in the region. It has a universal outlook and can be applied to any case involving children who are born with physical and mental disabilities.

¹²⁸² Prabhu, S., (2016), *Models of Contextual Theology*, in <http://www.academia.edu/4696625/Models-of-Contextual-Theology>, Cited on December 24, 06:45 GMT. Praxis model gives ample room for cultural expressions of faith while providing exciting new understandings of the scriptural and older theological witness. In some ways, it takes concrete life situations more seriously while understanding that God is present in each situation. For this discourse, this model of theology understands the plight of children with disabilities and informs us how God intervenes and interacts with those who are suffering.

CHAPTER SIX

6. A REVIEW OF CHAPTERS, SUMMARY FINDINGS, RECOMMENDATIONS, AND CONCLUSION: COMMUNICATING A PRO-LIFE PRAXIS MODEL OF THEO-CONTEXTUAL THEOLOGY OF HUMAN DIGNITY

6.1. INTRODUCTION

Chapter six recaps the current research project on the situation facing children with disabilities in KwaZulu-Natal, South Africa. The objective of the research was to address the existential problem of infants who are abandoned, dumped, or killed due to their physiological and mental status that renders them unfit to live on their own. The research project established a scientific background that has had a heavy impact on the general perception of society towards children with disabilities. The gradual process of the development of the various theories around ensoulment, points to the problem about the consensus on the understandings of the concept of human dignity. The project embarked on a theological discussion on the various concepts of human dignity, examining them on how far, or to what extent, they affirm human life or not. The idea was to adopt a prophetic theological position that would raise moral concern for children who are often abused, discriminated against, and trampled down by certain social structures and ill-mannered personalities within the region. To achieve the intended goals for the project, the research employed a quantitative methodology, i.e. considering the available data. Chapter six will briefly explore the content of each chapter, showing how it was responding to the central question of the research project. The chapter will outline the research findings on the human situation facing children with disabilities in KwaZulu-Natal. One of the main tasks of the chapter will be to communicate the theology of human dignity that has been formulated i.e. communicating 'Pro-Life Praxis Model of Contextual Theology of Human Dignity' for children with disabilities. This is the theology that is rooted in the Social Teaching of the Roman Catholic Church, Church tradition and Sacred Scripture. The chapter will communicate the newly formulated theology through the various recommendations that will be made to the various forums already existing for implementation. Finally, the project will indicate how it will disseminate the resolutions made so far. The current research project has been done from the bioethical point of view, strictly limiting itself to moral demands and considerations on Christian morality. It is from this perspective that the research made use of the documents on the Social Teaching of the Roman Catholic Church, Church tradition and Scripture, to a wider extent. The external evaluation of this project ought to consider that the study undertook a purely Christian view of interpreting the morality of human

actions, in general, with a strong reference to Roman Catholic theology, rooted in papal encyclicals and other related Roman Catholic Church traditions.

6.2. A RECAP OF THE CHAPTERS

The first chapter dealt with the existential problem i.e. the human situation facing children with disabilities in KwaZulu-Natal, South Africa. The chapter was divided into two parts. The first part of the first chapter dealt with the definition of certain terms; the person, neonatology, human identity, and human genetic screening. The second part of the first chapter dealt with the socio-cultural analysis of children with disabilities. This part covered the contextual human situation facing children with disabilities. The contextual situation facing children with disabilities constituted infants being denied of their human identity, and being abandoned, dumped, or sometimes killed. This part covered the general literature review of the situation of the children with disabilities. It had captured both the worldwide view and the national scenario. We studied the Constitution of the nation regarding human life and the stipulations concerning children with disabilities. To some degree, the figures indicated the magnitude of the existential problem facing children with disabilities.

The contemporary Christian preoccupation in society is how to live a good moral life in relation to the teachings of the Church and the practice of social justice. It is based on the same notation that the current research project embarked on the research work as to why children are abandoned, dumped, or killed. It is from this context that the second chapter was formulated. It dealt with the investigation into the cultural and ethical reasons why children with disabilities are abandoned, by sometimes their mothers or other related primary care givers; and sometimes by their immediate families; and why they are sometimes dumped in adverse conditions where survival is almost impossible if left unattended; and, finally, why is it that some parents deliberately kill children with disabilities. This was the main idea and task of the second chapter. In the process of responding to the reasons for abandoning, dumping, and killing children with disabilities, the chapter considered noted the various factors leading to deplorable acts against children with disabilities. The factors involved were the present level of physical, sensory, emotional, and cognitive functions in the child with disabilities, the degree of being disabled, the life expectancy of the child with disabilities and the prognosis. The second part of the chapter dealt with the cultural beliefs and tendencies that cause couples to abandon dump or kill children with disabilities. This part included the cultural human aggression, poverty, parental and social prejudice towards children with disabilities. The fourth part of the second chapter dealt with the political tendencies that influence people to abandon and dump their children. Politically, there is an

evolved strength of people's mentality that was heavily shaped by the past historical aspect of apartheid, whereby people were classified in terms of colour, race, region and some were deemed of low class due to their colour or language, for instance.¹²⁸³ The fourth part of the chapter addressed environmental factors, the influence of apartheid on people's attitude towards children with disabilities, the area of infra-structure and rationing of medical professionals in health institutions in the province, the implementation of medical policies on neonates and, finally, the chapter considered the cost benefit analysis in the face of children with disabilities. In the first part of the chapter, there was an exploration of the scientific and other related factors that influence the determination of medical professionals to take a choice that favours the inducement of death on the child. The research studied such medical choices as depending on the pre-diagnosis of the child, which renders the child as having no hope of survival under any circumstances, the quality of life criteria, which deems the life of the child unworthy of living and the pain or the traumatic experience that the mother or the family might be undergoing, given the circumstances in which the child is living. Finally, the chapter discussed the Biblical idea of original sin. The idea was to deal with the understanding that, when people are challenged with such realities of life, they ought not to think that God is punishing them, but that this is simply the result of complications in the human anatomy. Some of the complications of this nature were hereditary, to the extent that there was nothing that the parents could do. In conclusion, the second chapter dealt with the why question? The chapter acknowledged the fact that there are parents, families and even institutions that are there to care and foster the well-being of infants, disregarding their status quo. The issue of children being abandoned, dumped, or killed is one of the bioethical questions that has challenged many scholars, particularly when it deals with the human identity and the dignity of children with disabilities. Pertinent questions were raised concerning who is a person? When is a person alive biologically? When does human life matter, morally? When is human life unworthy of life?¹²⁸⁴ Some scholars find justification in the termination of the lives of children with disabilities, based on the mere scientific fact that there is a point at which certain lives are not deemed human and they can therefore be terminated.¹²⁸⁵ The second chapter had to explore such scientific explanation as a means of responding to the central question in the research proposal.

¹²⁸³ Chikane, F., (2000), *The Church's Prophetic Witness Against the Apartheid System in South Africa*, Johannesburg: South African Council of Churches, 23-29.

¹²⁸⁴ Messer, N., (Ed), (2002), *Theological Issues in Bioethics: An Introduction with Readings*, London: Darton, Longman and Todd Ltd, 65.

¹²⁸⁵ Ibid.

The third chapter examined the different concepts of human dignity and the ethical perspectives concerning children with disabilities. Children with disabilities may be put in the same category of patients who are comprehensibly unable to participate in decisions regarding their own treatment. They are infants who lack certain faculties of human life. They are sometimes unconscious or incompetent of comprehending anything. In consideration of this situation, our own judgements about what life we would choose for ourselves, from the available alternatives, ought not to be imposed on subjects who cannot speak for themselves.¹²⁸⁶ There is a considerable moral obligation when dealing with treatments that require judgements about the quality of someone's life who is incapable of expressing it himself or herself. In such a case a substantial moral obligation arises. It is in consideration of such circumstances that the third chapter examined the different concepts of human dignity in relation to children with disabilities. Such infants are incapable of comprehending realities of life and they do not participate in making decisions concerning their own lives. They absolutely depend on others to make such defining choices for them. The choices or judgements regarding the type of treatment that can be given to them sorely depend on those people's perceptions and understanding of the concept of human dignity.¹²⁸⁷ When human dignity, for instance, is gaged or weighed on the quality of life criteria, sometimes the child's life may be rendered unworthy of living and any sort of treatment available could be regarded as useless or burdensome. The understanding of the concept of human dignity weighs heavily on how infants are treated. The third chapter discussed several concepts of human dignity as an ethical concept and the futility of the concept as understood in Africa in general. The research further looked at the ethical concepts of human dignity that is human dignity as rights, as freedom, as responsibility, as equity and human dignity as natural law. The chapter considered the moral judgements made when dealing with treatments given to children with disabilities in relation to the ethical concepts of human dignity stated above. Some of the scientific considerations discussed were the viability of the life of the child, direct killing or letting the child die a natural death and selectivity policy, by which parents have the choice to determine the fate of their child. Finally, the research considered the contemporary human situation of children in the region and the various implications of the concepts of human dignity. The project discussed the worldwide situation of disabled infants. It examined the current situation of these children and the implications

¹²⁸⁶ Meilaender, G., (1997), *Ordinary and Extraordinary Treatments: When Does Quality of Life Count?* In Fahey, M.A., (Ed), *Theological Studies Quarterly*, Washington DC: Shorter Novices Publishers, Issue No. 3, Vol. 58. 529.

¹²⁸⁷ Ibid.

of the various perceptions and attitudes of people regarding the various concepts of human dignity.

The above exploration is in response to the central question. It is the way different people perceive the concept of human dignity, which in the process, determine the way they treat children with disabilities. The way people comprehend the various concepts of human dignity from the moral point of view has a strong bearing when it comes to the execution of their judgement and choices that they make towards their children. It is from this vantage point that the scholarly scope on the various concepts of human dignity paved the way on how the Roman Catholic Church formulated its social doctrine regarding children with disabilities. The scholarly debate on human dignity is key to the description of the relevant existential problem. Children are abandoned, dumped or face death at the hands and consent of their own parents, because they are unwanted in the family. They are a burden to the family and society and have a low quality of life that is not worth living.¹²⁸⁸ All these ethical considerations cause the child to lose his or her human identity, integrity, and dignity. It is from this point of departure that some scholars find justification in the termination of the life of the baby. The research project improvised the moral underpinnings and considerations, with the aid of the social teaching of the Roman Catholic Church as guidelines, when dealing with pertinent issues of human life. The social teaching of the Roman Catholic Church, to a larger, extent, provides avenues for the affirmation of human life, particularly the life that is vulnerable, weak and need protection and sustenance. The fourth chapter deals with the evaluation of the various conceptions of human dignity, in reference to *Gaudium et Spes*, *Evangelium Vitae* and Aquinas, who represented in this regard the Catholic theologians. *Gaudium et Spes* is one of the products of the Second Vatican Council, i.e. one of the most revered Ecumenical Councils of our time.¹²⁸⁹ *Evangelium Vitae* is one of the papal encyclicals that dealt at length with issues of human life.¹²⁹⁰ Both documents represent some of the basic teachings of the Church in matters of faith and morals. They constitute part of the social teaching of the Roman Catholic Church. The Magisterium is the teaching office

¹²⁸⁸ Meilaender, G., (1997), *Ordinary and Extraordinary Treatments: When Does Quality of Life Count?* In Fahey, M.A., (Ed), *Theological Studies Quarterly*, Washington DC: Shorter Novices Publishers, Issue No. 3, Vol. 58. 529.

¹²⁸⁹ Vatican Council II, (1965), *Gaudium et Spes, Pastoral Constitution on the Church in the Modern World*, Dec. 7, 1965, in Austin Flannery, (Ed), *The Conciliar and Post Conciliar Documents*, Collegeville: Liturgical Press, 903.

¹²⁹⁰ John Paul II, (1995), *Evangelium Vitae.*, London: Catholic Truth Society.

of the Church.¹²⁹¹ To the Church belongs the right, always and everywhere, to announce moral principles, including those pertaining to the social order and to make judgements on any human affairs, to the extent that they are required by the fundamental rights of the human person or the salvation of human souls.¹²⁹² In this context, we see the uncompromising role of the Church in all matters concerning human life. The Second Vatican Council affirmed the role of the Church and the moral authority of the Magisterium in matters of Christian moral of Christian morals:

“The task of authentically interpreting the word of God, whether in its written form or in that of tradition, has been entrusted only to those charged with the Church’s living magisterium, whose authority is exercised in the name of Jesus Christ.”¹²⁹³

It is in consideration of the above truth, as affirmed by the Council, that the research project used improvised *Gaudium et Spes* and *Evangelium Vitae* as reference points in the subject matter. All the ethical considerations of human dignity had to be evaluated in the light of what the Church teaches on matters of faith and morals. The Church in her life and teaching is revealed as the pillar and foundation of the truth,¹²⁹⁴ which includes all realities and spheres of moral action.¹²⁹⁵ The Church further acknowledged the personal judgement of personal conscience which the Church understood as the proximate norm of personal morality.¹²⁹⁶ The church, as the conscience of society and personal or individual conscience, potentially disclosed the truth about moral good or evil in the light of the sacred scriptures, natural law, Church tradition and the universal law, Church tradition and the universal and objective norms of morality.¹²⁹⁷ The Ecumenical Council of the Second Vatican Council stated that the faithful must pay careful attention to the sacred teachings of the Church.¹²⁹⁸ The Roman Catholic Church is, by the will of Christ, the teacher of truth and at the same time declares and confirms by her authority, the principles of the moral order, which springs from human nature itself.¹²⁹⁹ In the context of such bioethical issues, in this case the birth of a child with disabilities, we all have the moral obligation to pay attention to the teachings of

¹²⁹¹ *The Catechism of the Catholic Church*, (1994), Nairobi: Paulines Publications Africa, Art. No. 2032. It states that the Church is the pillar and bulwark of the truth. She had received this solemn command of Christ from the Apostles to announce the saving truth. 1 Tim 3:15.

¹²⁹² CIC, Can. 747, paragraph 2.

¹²⁹³ D.V. Art. No. 10.

¹²⁹⁴ RSV, 1 Tim. 3:15.

¹²⁹⁵ V.S. Art. No. 27.

¹²⁹⁶ Ibid. Art. No. 60.

¹²⁹⁷ Vat. II, *Dignitatis Humanae*, Art. No. 3.

¹²⁹⁸ Ibid.

¹²⁹⁹ Ibid, Art. No. 14.

the Church that would give us guidance on the nature of action to take. The social teaching of the Roman Catholic Church, represented in this case by *Gaudium et Spes* and *Evangelium Vitae*, were brought into the current scholarly debate to give light and proper guidance on how we can best formulate the theology of human dignity that is relevant to children with disabilities. The chapter examined *Gaudium et Spes* as one of the basic documents on the social teaching of the Roman Catholic Church. The research explored the concept of human dignity from the perspective of the document itself. It was established that the concept of human dignity as the image and likeness of God was a core principle of the document. The evaluation proper indicated that there is need to seek a higher authority when challenged with moral dilemmas. The Church as the conscience of society on matters of faith and morals was highlighted. It was discovered that *Gaudium et Spes* strongly affirms human life, since it was created in the image and likeness of God, rendering it sacred. It was from this perspective that the other concepts of human dignity were evaluated. Any ethical or moral concept of human dignity that does not affirm human life was disqualified at this level. The chapter examined Pope John Paul II's encyclical letter called *Evangelium Vitae*. The encyclical was nicknamed the Gospel of life, because it addressed pertinent issues around human life. It is also regarded as one of the documents that constitute the social teaching of the Roman Catholic Church. The core principle of the encyclical is the sanctity of life as a major concept of human dignity. It strongly affirmed human life since God the creator had the breath of life, the ensoulment rendering human life sacred. The various ethical concepts of human dignity were evaluated in reference to the two basic concepts of human dignity: human dignity as image and likeness of God and human dignity in the two important Church documents. The following concepts were evaluated in the light of the above principles or concepts of human dignity: human dignity as a concept in the African scholarly debate, human dignity as rights, freedom, responsibility, equity, and natural law. The fourth chapter explored the theological component of human dignity that in chapter Five led to the formulation of a theology of human dignity that is relevant to children with disabilities. The nature of the theology formulated was based on the Social Teaching of the Roman Catholic Church. It explicitly responded to the central question of the research proposal by bringing into the debate some of the key documents of the social teaching of the Roman Catholic Church. The fifth chapter is the epitome of the current research project. It is, in principle, the synthesis of the individual chapters and it formulated a theology of human dignity for children with disabilities. It is a theology that is grounded on the Social Teaching of the Roman Catholic Church. The chapter and, in general, the whole project put the human person, particularly children with disabilities, at the centre of the created world, an organic

moral community of nature, making the human person the norm of order in the world. The formulated theology of human dignity has given a moral interpretation of what it is to be a person of dignity, identity, and integrity. The nature of the new theology formulated is a form of Christian humanism, with an imminent moral obligation by which each person has a responsibility, not only regarding the choices he or she makes, but even those choices that are made on behalf of other people who are incapable of doing so. The chapter considered the central theological normative of human dignity, namely creation in the image and likeness of God, and the sanctity of life rooted in what is known as human ensoulment. The idea was to achieve what could be the ideal greatest good for all humanity. In the process of the formulation of a theology of human dignity, the research considered some of the basic ethical principles that promote human life in the field of medicine, namely, autonomy, maleficence, non-maleficence, and justice. Such bio-medical principles prepared the basis on which a new theology of human dignity was formulated. The chapter established its claims and named its new theology of human dignity that is relevant for children with disabilities. It is based on the Social Teaching of the Roman Catholic Church. The new formulated theology of human dignity is called 'Pro-life Praxis Model of Contextual Theology' of the Human Dignity. It is a theology that focuses on the human person, where dignity flows from God and is rooted in the contextual situation of the people themselves. It is God himself who renders human life sacred. It is a theology that is pro-life, especially the affirmation of human life that is weak and vulnerable. It is through this type of theology that authentic integral human development could be achieved. It is a theology from below, seriously considering the experience of children with disabilities. The chapter is a response to the central question, in the sense that it formulated its theology based on the life experience of the most vulnerable group of people. It is relevant to children with disabilities. This is the theology that will articulate the situation facing the children. The nature of the new theology is pastoral and contextual because it stresses the positive value of scientific research towards the affirmation of the weak human life of the infants in their own human situation. The new theology is a potential tool for Christian unity toward the attitudes of human identity that was previously questioned. It is a theology that gives meaning to human life. It compels us to witness the truth as handed down from Jesus Christ through the Apostles to us through the Church. The mission of the Church in the mind of Pope John Paul II was to serve human dignity in the light of the Gospel of Jesus Christ.¹³⁰⁰ John Paul II further stated that the Church exists to defend, promote, reconstitute, and elevate human dignity.¹³⁰¹ This is the

¹³⁰⁰ Bushman, D., (2008), <http://www.ignatiusinsight.com>, Jan. 8, 6. 2014/1/7.

¹³⁰¹ Ibid.

task of the new theology of human dignity. It is formulated to form and inform the public to rediscover and make others rediscover the inviolable dignity of every person. The root reason for human dignity is in the call of human reason to communion with God.¹³⁰² Human dignity demands that he or she acts per a knowing and free choice. Such a choice is personally motivated and prompted from within. It does not result from blind internal impulse, or from mere external pressure. The person achieves such dignity when emancipating himself or herself from all captivity to passion, pursuing goals in a spontaneous choice of what is good. It is to the objective good that we ought to aspire. One must clear out of his or her scope all negative impulses and pressures, to achieve the objective good. Human dignity ought to be the objective good for which we ought to aspire. The new theology is the channel that can make us realize and actualize human dignity of children with disabilities. It is therefore important to note, in accordance with Bushman's mind statement, that in the anthropology of *Gaudium et Spes*, human dignity is used to signify both the capacity for communion with God given in creation and essential to human nature and the realization of that capacity.¹³⁰³ Douglas stated that it is possible to talk about an essential dignity common to all, i.e. a property of human nature and a qualified or fully realized human dignity i.e. the quality of a person who acts in conformity with his or her nature and enjoys communion with God.¹³⁰⁴ Such affirmations help us to change and renew our attitude towards certain realities of life. We tend to develop a positive approach to the realities of life, simultaneously developing a sense of respect for the created order. The 'Pro-Life Praxis Model of Contextual Theology of Human Dignity' creates in us that positive attitude and approach to life issues. It is somehow a technical consideration of moral theology concerning the natural law seen in terms of personal encounters with the sacred. The new theology promotes two principles, namely 'do not harm' and 'protect life at all cost.' It is within the scope of this research project that we all, as human beings, that we delve into the fountains of life to respect the divinity inherent in all forms of human life. Matthew, in one of his gospel texts, recounted that in as much as you have done it unto one of the least of these...you have done it unto me.¹³⁰⁵ McNamara, in one of his books entitled, "The Art of Being Human," said:

¹³⁰² G.S., Art. No. 19.

¹³⁰³ Bushman, D., (2014), <http://www.ignatiusinsight.com>. Posted on 14th November. 10:00 GMT.

¹³⁰⁴ Ibid.

¹³⁰⁵ RSV, Mt. 25:40.

“The human person is not perfectly human until he or she is partly divine. This divinization of the person through grace is the necessary, obligation goal of all humans and therefore the one essential business of any form of humanism.”¹³⁰⁶

The point is that, as human beings, none of us is perfect and when we look at children with disabilities. We ought to realize our own limitedness and take life positively.

6.3. RESEARCH FINDINGS

6.3.1. SINGLE PARENTHOOD

It has been noted with disbelief that the current situation of the family has a lot to be desired. The social stratum showed that there are many young single women who are managing families on their own. There are several reasons for this fact. Historically, apartheid had created a class struggle mentality to the point that many black Africans were considered as an underclass, i.e. on inferior class.¹³⁰⁷ The political and social situation in South Africa largely changed, though the apartheid mentality concerning class segmentation continues to be a serious consideration. The Roman Catholic Church remains an important religious institution, where blacks and white, Indians and other group of people, e.g. middle or high, lower, or top-level classes of people can meet on an equal footing.¹³⁰⁸ On the political and social level, the situation is still deplorable. The middle class of people dominates the scene. In this case, the middle class constitutes those who are financially independent, those who earn a substantial wage to sustain their families and those who have the political power to be in government.¹³⁰⁹ Unfortunately, blacks who are in majority in terms of the national statistics, are still the lowest class in this context. They are largely unemployed and are continuously drawn into crime. Life is even more difficult economically for those are in families, where they fail to sustain their relationships, resulting in violence against women and the breakdown of family relationships.¹³¹⁰ The failure of most young men and women to find employment has led to many young people remaining idle. Even those who are in family relationships, due to economic hardships, simply walk away from family responsibilities. Finally, the research findings showed that there many idle men and women

¹³⁰⁶ Mc Namala, W., (1967), *The Art of Being Human*, New York: Doubleday and Company Inc. Echo Book Publishers, 11.

¹³⁰⁷ Marjorie, H., and Young, J., (1981), *The South African Churches in a Revolutionary Situation*, New York: Orbis Books, 230-231.

¹³⁰⁸ Ibid.

¹³⁰⁹ Ibid.

¹³¹⁰ Field, F., (1993), *Family Values*, in *The Tablet*, Hugh Kealy Publishers, August 14, Vol. 247, No. 7984, 1034.

who engage, eventually, in extra-marital sex that end up in many women having children without legitimate fathers.¹³¹¹ The growth in numbers of young single mothers has become a source of concern. There is also an increase in the members of young men who think they have no responsibility whatsoever when they beget children.¹³¹² On the local scene, this is a vivid reality that seems not to be noticed and yet it poses a threat to human life and the life of a family. In this context, when a mother gives birth to a child with disabilities, she finds herself in a terrible situation. The mother is simply overwhelmed and left confused, not knowing what to do. It has become a serious dilemma to many mothers, who are often single. Single parenthood is not fully equipped to handle such ethical dilemmas, especially in the context that the mother is not even employed. It is from this point that those who may be incapable of facing the reality of a child with disabilities may opt to abandon or dump the child.

6.3.2. CHILDREN BEING ABANDONED AND DUMPED

These are many children who are abandoned and dumped adverse conditions by their mothers, worldwide. The act of abandoning and dumping or children is a universal phenomenon, constituting a range of bioethical dilemmas in our time. One of the major aims of the study was to find reliable and comprehensive documented data on certain forms of violence against children in the region, due to the limited academic sources available. One of the major factors is the culture of secrecy, when perpetrators, even if they are known, keep information hidden and unreported to the authorities.¹³¹³ The records in this report contain categories of crimes committed against children from 2003 to 2010, ranging from murder, common assault to grievous bodily harm.¹³¹⁴ Children born with defects are one of the most vulnerable groups of people in this regard. There are so many unreported cases due to the fear factor of being interrogated by police and other relevant authorities, or due to the lack of capacity to report.¹³¹⁵ The media has given some vivid examples of the various reported cases for public intervention.¹³¹⁶ Unfortunately, most of the children who are abandoned and

¹³¹¹ Ibid.

¹³¹² Field, F., (1993), *Family Values*, in *The Tablet*, Hugh Kealy Publishers, August 14, Vol. 247, No. 7984, 1034.

¹³¹³ UNICEF Report, (2012), *Violence Against Children in South Africa*. Pretoria: Department of Social Development/ Department of Women, Children, and People with Disabilities/ UNICEF (2012). 9.

¹³¹⁴ Ibid.

¹³¹⁵ Ibid.

¹³¹⁶ *Health Systems Trust Annual Report 2014/15. Thousands of Children Being Dumped in SA*. A Leading Resource on Health Systems and Primary Health Care in Southern Africa. Posted on 22nd January, 2016. In *Mail & Guardian*. The report showed high figures of children being dumped and abandoned in some parts of South Africa including Kwazulu Natal Province.

dumped are children with disabilities. There is a loss of the sense of sin in society today. The perpetrators in this case do not even express remorse for abandoning and dumping the child.¹³¹⁷ The Star reported that 300 children with mentally and physically disabilities were at risk, because they were no grants given to sustain their lives.¹³¹⁸ Most these patients were found dumped in inhuman condition. The neighbourhood who found these young babes reported to the police and social workers, who finally took them to the hospice, where they were undergoing treatment.¹³¹⁹ Most of them suffer from severe intellectual and mental disabilities.¹³²⁰ Medical reports indicated that their problems had either been caused by congenital abnormalities, abuse, accidents, other illness, drugs and alcohol consumption during pregnancy.¹³²¹ They are bed-ridden, brittle and they have weak muscles and bones.¹³²² Unfortunately, the hospice by then was on the brink of closure, because the government had stopped paying or honouring the social grants for the challenged to that hospice. In this case, there were no written reports or who the government failed to give the grants. There is an assumption that the health institutions, as one of the biggest benefactors of government grants, operate under strict financial constraints. This caused closure in this case. From the moral perspective, the above reality brings about the implementation of health policies in the region. In the same year, Times newspaper reported similar a case the front page: "Born to be dumped."¹³²³ A new born baby had found thrown into a storm-water drain.¹³²⁴ The paper reported that some of the Christian groups who were running home-care centres for unwanted babies, who were found dumped in various parts of the country, had so far been looking after 54 abandoned babies.¹³²⁵ In this issue, the government had called for scientific research into the subject matter, as the members of infants being discarded were increasing. In the same year, 2012, the Saturday Star reported that South Africa in general was losing too many new-born babies due to various factors.¹³²⁶ The report indicated that there an acute shortage of neonatal/paediatric intensive care units that could handle disabled infants. Professor Keith Bolton, in the same paper, reported that every year

¹³¹⁷ Mc Cormick, R., (1993), *Killing the Patient, A Commentary on Veritatis Splendor*, in *The Tablet*, Hugh Kealy Publishers, Vol. 247, No. 7995, 1410.

¹³¹⁸ Motumi, M., (2012), *No Grant Threatens Little Eden*, in *The Star*, April 11, Wednesday, 8.

¹³¹⁹ Ibid.

¹³²⁰ Ibid.

¹³²¹ Motumi, M., (2012), *No Grant Threatens Little Eden*, in *The Star*, April 11, Wednesday, 8.

¹³²² Ibid.

¹³²³ Child, C., and Hosken, G., (2012), *Born to be Dumped: As Child Abandonment Soars*, in *The Times*, May 29, 1.

¹³²⁴ Ibid.

¹³²⁵ Ibid.

¹³²⁶ Mokati, N., (2012), *SA Losing Too Many Newborns*, *Saturday Star*, June 30, 5.

about 23 000 new- born babies die in South Africa, with an additional estimate of 20 000 still- births. This was based on the 2008 report compiled by the National Perinatal Morbidity and Mortality Committee.¹³²⁷

Regarding the report on the lack of medical facilities and personal, we can conclude that most of these still- births received minimal care. This situation might as well result in the non-existence of the post-natal care facilities where the mother is left alone to face the reality of the child. The traumatic experience of the mother may aggravate the chances of the child being discarded. The Times, in the same year, gave a shocking report on the reality of babies being dumped, saying: ‘we seem desensitised to horrible deaths of children being dumped in inhuman conditions.’¹³²⁸ The paper noted that these young women who do not want to, or cannot, keep their babies they must give them up to social welfare organizations, or leave them at the police station or hospital, where they can be found and be taken care of, rather than dumping them in inhuman conditions, where they die.¹³²⁹ In 2013, the star reported the statistics from the year 2011 up to the year 2013, from January to August, in which medical statistics showed the number of babies that were abandoned each year in the various places in Gauteng.¹³³⁰ Charlotte Maxeke Hospital had received 10 abandoned babies in 2013 between January and August. Pholosong Hospital had received 27 babies in the year 2011 alone and Carletonville Hospital had received 31 babies in the year 2012 and 17 babies in the year 2013, from January to August.¹³³¹ In the general evaluation of the reports, there is an indication that these medical statistics only reflect those babies who have been found and are receiving medical care. These reports so far do not include babies who are abandoned and then die on their own without being noticed by the public. Therefore, the human situation facing the children is an issue that needs serious review. The abandoning of babies could be due to unwanted pregnancies and the physical and mental demands of the babies. Most of these babies have a wide range of bodily and psychological complications that overwhelm mothers. Most mothers are left with no other option than to dump the child. So far, no single mother wants to be identified to have dumped a child and it seems that there is almost no remorse related to it. The Star gave a report on baby deaths, in which it indicated that 7500 new- born live for one day only.¹³³² The report indicated that vulnerable sub-Saharan mothers

¹³²⁷ Ibid.

¹³²⁸ Crockett, M., (2012), *We Seem Desensitized to Horrible Deaths of Children*, in *The Times*, May 30, Wednesday, 14.

¹³²⁹ Ibid.

¹³³⁰ Mkhize, V., (2013), *The Number of Abandoned Babies is Still on the Rise*, in *The Star*, October 11, Friday, 6.

¹³³¹ Ibid.

¹³³² Ibid.

and babies face the greatest risks.¹³³³ These statistics represent only those cases that have been brought to the attention of the medical institutions and not those that die on their own, without being found by members of the public. In 2014, *The Witness* gave a report on the teens and unwanted children in KwaZulu-Natal:

“How could anybody, even a 19 year- old, abandon a two- year- old child on a busy road where the possibility of the child being run over was extremely high?”¹³³⁴

The *Witness* confirmed the reports that the act of discarding babies in the toilets, Municipal dust-bins and rubbish heaps was common in the region.¹³³⁵ There is a high number of unwanted babies who are abandoned in unexpected places by unknown mothers. Some are discovered by municipal workers who, on certain days move around to collect garbage for the dumpsite. Others throw their babies into the sewers or toilets. Some are left at Church doors, without any sort of identification being left by the mother.¹³³⁶ The research findings were indicated that the number of children being abandoned, dumped, and killed is rising, nationwide. The KwaZulu-Natal situation represents a worldwide phenomenon regarding the situation of children. The findings, regarding the reports given, indicated that most children who were, found dumped, whether dead or alive, showed signs of multiple physical and mental disabilities pointing to the reasons why they were dumped. Therefore, the act of discarding, abandoning, dumping, or killing children with disabilities is a reality. It is a bioethical issue that needs immediate attention. It was in view of this that the current research project undertook the task of responding to the existing problem facing children with disabilities.

6.4 RECOMMENDATIONS TO THE VARIOUS FORUMS

The research project has confronted the existential problem facing children with disabilities. We have formulated a theology of human dignity that is relevant and based on the Social Teaching of the Roman Catholic Church. The new theology is called the ‘Pro-life Praxis Model of Contextual Theology of Human Dignity’. It is a theology that communicates the Roman Catholic vision of human life and ethos. It strongly promotes the culture of life considering all forms and patterns of human life. Doerflinger asked: How do we communicate our concern for a Catholic vision of the culture of life to an audience that may

¹³³³ Ibid.

¹³³⁴ *The Witness*, (2014), Kwazulu-Natal, April 7, 8.

¹³³⁵ Ibid.

¹³³⁶ *The Witness*, (2014), Kwazulu-Natal, April 7, 8.

not share our vision of human life?¹³³⁷ Doerflinger affirmed that it is our duty as Christians to be prepared, above all, to use all our skills to defend others, especially innocent human beings who cannot speak for themselves.¹³³⁸ There was an understanding that the Church ought to encourage people to embrace human life as something that is sacred. It was then understood that it was the Church's primary obligation to teach divine truth in all its fullness and purity. The existential situation facing children with disabilities is an indication that the human family has drifted away from the Christian vision of life. The research project recommends the following to the versions forums, as a means of protecting and promoting human life. Such recommendations are vital for the sustainability of the identity, integrity, and dignity of children with disabilities.

6.3.3. RECOMMENDATIONS TO THE CHURCH

The Church, as a family of God, ought to be aware of the reality facing children with disabilities. The Church should look at the real issues around family life. The Church ought to be aware that single parenthood is becoming a general trend, but with serious future implications, and ought to address the issues of marriage and family life, where people take responsibility for their children. Single mothers will find it hard to come to terms with such realities of life and can contain the situation. The Church today is involved in the pastoral care of those who are on the periphery, the vulnerable and other related groups of people. The long- term, practical aspect would be to educate people on the value of marriage and family life. The Church should encourage people to keep their families as a unit and face the vicissitudes of life as husband and wife. The Church should condemn what is known as trial marriages. Many men after begetting children with their girlfriends often abscond, saying that they were not married in the first place. They say it was trial marriage and there was no single commitment made to each other. Women are usually the victims. They are left with the burden of bringing up the child alone when the man walks away. The Church should encourage the laity to do away with trial marriages. They simply do more harm than good.

6.3.4 RECOMMENDATIONS TO THE WORLD LEADERS

Having looked at the global scenario in chapter one regarding the plight of children with disabilities, we have the knowledge that current existential problem is a worldwide

¹³³⁷ Doerflinger, R.M., (1993), *Communicating the Catholic Vision: The Culture of Life*, in Smith, R.E., (Ed), *The Proceedings of the Twelfth Bishop's Workshop*, Dallas: The Pope John Center Publishers, 167.

¹³³⁸ Ibid.

phenomenon that calls for ethical and theological questions. Although the current discourse has limited itself to a regional area of KwaZulu-Natal, it is also of vital importance to alert world leaders who are directly involved in policy making and the execution of policies to take into the theology of human dignity for children with disabilities as presented in the thesis. It is potentially a vital tool to engage in dealing with matters and concerns of children with disabilities. We therefore recommend that all concerned stakeholders in the world to be conscious of what is happening on the ground and be able to mobilise their country men and women to start taking active participation in such matters that concern our vulnerable children globally.

6.3.4. RECOMMENDATIONS TO THE PEOPLE IN SOUTH AFRICA

In consideration of the current existential problem facing children with disabilities, the research project calls for a change in perception towards such children. We need to cultivate a positive approach that would safe-guard the life of the child with disabilities. When a family or mother is confronted with the birth of a disabled child, the family option would be to take the child to a nearby health centre or social welfare institution, where she could openly express her dissatisfaction with the child. The mother ought to present her financial condition, which shows that she is of sustaining, incapable the life of the child. People ought to be free enough to express their position, that they do not have the wish to keep the child, even if they have the resources available. It is better to hand over the child to those who have the technical knowledge and expertise instead of abandoning or dumping the child. It is a criminal offence to discard a child. The children who are abandoned ought to be taken to institutions which that would keep them child safe. Abandoning, dumping, or killing the child, are all forms of violence towards children. Once a person commits such crimes, it becomes difficult to have a sense of guilt and remorse. In such a case, there is a spiral of violence and violence breeds more violence.

6.3.5. RECOMMENDATIONS TO PHYSICIANS

McCormick emphasized the powers of the Hippocratic Oath, which honours the principle of beneficence to its right place.¹³³⁹ In some cases, it has been noted that where physicians are overwhelmed with the nature of the cases of children being born with acute physical and mental disabilities, they tend to shift their priorities to other things, forgetting that, now, it is

¹³³⁹ Mc Cormick, R.A., (1989), *If I had Ten Things to Share with Physicians, The Critical Calling: Reflections on Moral Dilemmas Since Vatican II*, Washington DC: Georgetown University Press, 359.

the patient's best welfare that matters most. All clinical decisions per McCormick's ought to be shaped, controlled, modified, and considering in pursuit of the patient's interest.¹³⁴⁰ It is unfortunate that, in the case of some physicians, who are operating under protest due to the failure of the medical institution to honour them with required needs, the physicians might tend to vent their reactions on innocent human beings, as is the case when medical staff goes on strike due to low wages. It is within the nature of the medical profession to invest and apply all their knowledge and efforts to serve human life. The objective good of the medical profession ought to aspire for the healing of the patient, containment of the situation, prevention of further damage, amelioration, and prolongation of life. It should consider the patient's preferences and the good of the person as he or she is. The new theology of human dignity takes the above cautions as priorities in any case of a physician-patient relationship. Medicine is meant to treat the disease and the patient. It would be unethical to fail to administer appropriate medication to a poor patient, based on the cost of the medicine. Human life is more precious than any medication. It is therefore contrary to the mission of medicine and the task of a physician to become a socio-economic referee on matters of the life of a person. The problem today is that physicians provide their services based on the method of being hired and expect a substantial payment in return, without which no services are provided. We are living in world that favours those who have the economic or financial muscle to survive. This has created a vulnerable situation for those who have low or no income at all to survive. In this case medicine loses its ideal goal, as it only serves those who have the capacity pay. The research project, through the moral demands of the new theology of human dignity, it recommends that physician, change their attitude towards the understanding of medicine in relation to patients. The Physicians need to put the patient's priority first and use their skills and expertise to bail the patient out of his or her suffering. They ought to safeguard human life and to the best of their ability. At the same time, governments should to consider the basic needs of physicians in general. Physicians, by the very nature of their profession, have a special vocation to serve human life. They ought to be managed properly, so that they can fully fulfil their noble calling and service.

6.4. CONCLUSION

The scientific research project embarked on an investigation into the situation regarding children with disabilities in South Africa. The contextual concern raised concerned the treatment given to children with disabilities in KwaZulu-Natal. News reports recounted that

¹³⁴⁰ Ibid.

there are many children who are discriminated against since they are regarded as unwanted and unfit for living. Some of the latent features of the existing cultural beliefs pointed to the fact that there might be many infants who are denied human identity and are abandoned, dumped, and sometimes even killed without the public noticing. Unfortunately, little has been documented on such issues, pointing to the erroneous that there is no problem at all. The existential reality concerning the rise in the number of infants who have been reported discarded seems to indicate that the situation is worse than expected. It was for this reason that the project embarked on a scientific investigation into the schema of the understanding of human dignity in the context of children who are abandoned, dumped, or killed by their own parents. The research considered the various forms of human dignity, with the intention of trying to excavate the dominant form of human dignity that would account for the construction of a theology of human dignity that is relevant to children with disabilities, and which is based on the Social Teaching of the Roman Catholic Church. The idea was to bring about authentic integral development that is inclusive. The finding of the research revealed that there are several children who suffer discrimination and are abandoned, dumped, or even killed by their own siblings. The main assumption is that there exists a poor or limited understanding of the concept of human dignity, as taught by the Church. The negative perceptions are the main source and root of the existential problem. Of course, there are several factors that have contributed heavily to the human malaise of children with disabilities. Some of the main factors cited include the state of poverty among many black people in in the region, who can hardly afford special medical treatment for their infants. The inadequacy of medical infrastructure and the practice of medical rationing are part of the contributing factors. Cultural beliefs in witchcraft seemed to be possible factors causing the elimination of children with disabilities. The research has formulated a theology of human dignity that is relevant for children with disabilities, which is based on the Social Teaching of the Roman Catholic Church. The theology of human dignity has God as the centre and the human person as the object of its priority. Therefore, the new theology of human dignity is the 'Pro-life Praxis Model of Contextual Theology of Human Dignity'. Finally, the project has made several recommendations on how to actualize this theology of human dignity to the different forums, indicating the fact that it is an on-going process of dissemination. It is heavily rooted in bioethics, which is the main branch of moral theology that deals with life issues.

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