

Compassion or Murder?

An Aristotelian Look at the Case of George and Lester Zygmanski

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George Zygmanski was left permanently paralyzed from the neck down after a motorcycle accident. At his brother's request, Lester Zygmanski shot and killed George in an act of mercy to end George's suffering. Lester was then arrested and charged with first-degree murder. Lester's defense claimed that he was temporarily insane at the time of the shooting, thereby rendering him not criminally liable. The object of this paper is to determine the extent to which the brothers' actions are compatible with Aristotle's ethical system. Before Aristotle characterizes an agent's actions as morally blameworthy or praiseworthy, the agent must be found to have acted voluntarily. An argument will be made that Lester should not be liable for the shooting, as Lester did not act voluntarily in the Aristotelian sense of the word. Similarly, the absence of that voluntariness is what substantiates Lester's defense of temporary insanity. As such, Lester was, and should have been, acquitted of the murder charge.

What Exactly Happened?

George Zygmanski was twenty-six years old at the time of the incident. He was married and had a three-year-old son. At a family gathering in June of 1973, George was riding a friend's motorcycle when he lost control and flipped, pinning himself beneath it. As a result of the accident, George suffered a broken neck and very serious spinal damage. He was taken to the hospital where doctors diagnosed his paralysis as irreversible. According to witnesses from the hospital, George reportedly begged to die. At one point, George pleaded with one of his doctors: "Please don't let me live like this." In addition, George's brother Lester asked hospital staff to end George's life, but to no avail. A mere three days after the accident, Lester smuggled a shotgun into the hospital and went to his brother's room. George knew his brother's intentions and consented to being shot. Lester shot George in the left temple at point-blank range. George did not die immediately. He died twenty-seven hours later in the intensive care unit. Lester knew he had committed a crime, but he did not flee nor try to evade being captured by the police. He simply stayed in the hospital room and waited for the police to come and arrest him.¹

In court, Lester entered a plea of not guilty by reason of temporary insanity. Lester's lawyer argued that the trauma of the ordeal was such a burden on Lester's mind that it rendered him unable to reason properly at the time of the incident. He claimed that George's accident, George's requests to be killed, Lester's love for his brother, and having to make such a choice all contributed to Lester's incapacity. Ultimately, a jury agreed with the defense's claims, and found that Lester was not guilty of first-degree murder, nor of the lesser crime of second-degree murder. Lester was able to leave court as a free man.²

Voluntary Versus Involuntary Actions

As stated before, an Aristotelian ethical assessment is predicated on the notion that the agent acted voluntarily. Aristotle classifies involuntary acts as those that are either (1) performed under compulsion or (2) through ignorance.³ Presumably, if George was physically able, he would have shot himself. He only asked Lester to shoot him because his paralysis rendered him unable. In this regard, George essentially committed suicide by asking Lester to shoot him. For George, then, the question is whether his choice to commit suicide was warranted. For Lester's case, the ethical question would be whether it was appropriate for him to oblige his brother's request. If either George or Lester did not act voluntarily, then a moral assessment would not apply. In order for this to be the case, it would have to be shown that either George or Lester acted under compulsion or through ignorance.

According to Aristotle, an act performed under compulsion is essentially a case in which "the agent contributes nothing". He goes on to offer an interesting hypothetical:

But sometimes the act is done through fear of something worse, or for some admirable purpose; e.g. if a tyrant who has a man's parents and children in his power were to order him to do something dishonorable on condition that if he did it their lives would be spared, and if he did not they would be put to death.⁴

It seems fair to say that the shooting was "done for fear of something worse". The "something worse" would be the prospect of George living in a condition of suffering. George is left with the choice of doing nothing and suffering, or with taking action to end

his suffering. It can also be argued that George's suicide was "for some admirable purpose". Perhaps George did not want to burden his wife and children by helplessly living under their care and causing them emotional distress. Based on these criteria, George's choice was clearly a compulsory one. Since it was compulsory, it follows necessarily that it was not voluntary.

Aristotle would probably be hesitant to classify Lester's actions as compulsory, though. Although Aristotle's definition of compulsory acts is somewhat unclear, and the classification of compulsory acts is somewhat contextual, one common element is Aristotle's criterion that the "the cause is external and the agent contributes nothing to it".⁵ Aristotle would argue just as he did in the aforementioned hypothetical regarding the tyrant threatening the lives of an agent's family. Specifically, Aristotle said that "the movement of the limbs that are the instruments of action has its origin in the agent himself, and where this is so it is in his power either to act or not."⁶ Therefore, since Lester acted with his own limbs by pulling the trigger, the act was not compulsive.

Even though the act was not compulsive, the question remains: did Lester act voluntarily? Aristotle says himself that it isn't always clear whether an act is voluntary or involuntary. That skepticism would likely extend to this case. Aristotle would simply say that it depends on the particular circumstances of the situation. In his own words, "actions belong to the sphere of particulars, and here the particular acts are voluntary. But what sort of acts are to be preferred, and to what alternatives, and at what cost to the agent, is not an easy point to decide; because the differences in particular cases are many."⁷

If Lester's actions are to be considered voluntary, then two criteria must be met. Namely, that (1) Lester knew the particular circumstances of his actions, and that (2) "the originating cause lies within the agent himself".⁸ Surely Lester knew the first five of six particular circumstances that Aristotle enumerates. Lester had to have known (1) himself, (2) the killing, (3, 4) the weapon he used, and (5) that the aim was to end George's life. Lester likely assumed, and reasonably so, that the gunshot would have killed George instantly. However, this was not the case since George did not die for another twenty-seven hours.⁹ Hence, Lester would have been ignorant of the sixth particular circumstance, which would be the manner of death. For Aristotle, ignorance of any one of his six enumerated particular circumstances would constitute an action being done in ignorance. Therefore, since Lester was ignorant of George's manner of death, Aristotle would say that the action was involuntary.

In short, because of George's compulsion and Lester's ignorance, both of them acted involuntarily. Because their actions were not voluntary, it would not be appropriate to subject their actions to an Aristotelian moral assessment.

Should Lester be Criminally Liable?

Criminal defendants typically defend themselves in one of four ways. An (1) alibi defense is the defendant's assertion that he did not commit the act. When a defendant acknowledges that he did commit the act, he offers excuse by claiming that his actions were either the result of (2) entrapment, (3) duress, or (4) insanity.¹⁰ The alibi, entrapment, and duress defenses simply do not apply in this case.

At trial, Lester offered an insanity defense, claiming that he was temporarily insane at the time of the shooting.¹¹ Due to that insanity, the defense says, Lester did not grasp right from wrong, nor did he fully comprehend the consequences of his actions. The conclusion here is that because of this ignorance, Lester ought not to be punished for his actions. Notice that the term 'insanity' does not denote a mental illness. Rather, it is strictly a legal term describing a state of mind.¹²

Part of the rationale for criminal punishment, put simply, is that a reasonable person ought to know not to break the law. In essence, the insanity defense claims that, for at least at the time of the offense, the defendant was not such a reasonable person. Again, this would warrant an excuse from punishment.

What is a 'reasonable' person? Peter Westen attempted to answer that very question in his essay "Individualizing the Reasonable Person in Criminal Law." He explains:

[...] reasonableness is a normative measure of ways in which it is *right* for persons to think, feel, or behave – or, at the very least, ways in which it is *not wrong* for them to do so. Thus, the law reduces a defendant's liability for criminal homicide [...] when (1) although he makes a wrongful decision to kill, he does so while in a state of extreme emotional disturbance [...] and (2) it is 'reasonable' for him- that is, not wrong for him- thus to be so emotionally disturbed.¹³

For Lester, the 'emotional disturbance' is easily identifiable. He had a brother who was almost killed in an accident now begging to die. The implications of the decision before Lester are far-reaching. He needs to consider not only George's wishes, but the impact of his actions on the rest of the family. So because it is reasonable to assume that Lester was under emotional distress, thereby not thinking reasonably, Lester should be excused based on this standard. This is exactly the argument that the temporary insanity defense makes. In essence, the sum of all of the emotional burdens and challenges creates a temporary state of mind in which Lester is not acting reasonably in the legal sense, nor voluntarily in the Aristotelian sense.

Conclusion

Most would probably agree that this shooting is fundamentally and qualitatively different than a typical murder case. Lester had nothing at all to gain from killing his brother, other than relief of his brother's suffering. The act was also not accompanied by any evil or malicious intent. The only legal justification for prosecution would be that there was a violation of a state statute prohibiting euthanasia. In a moral sense, however, Lester's actions are excusable, and he should therefore not be held criminally liable.

In a strictly Aristotelian sense, George's choice to commit suicide is morally excusable due to it being a compulsory one. Because the suicide is warranted, Lester would be justified in obliging his brother's request. But, because of his ignorance of one of the particular circumstances, Lester's actions are involuntary. That involuntariness triggered by his ignorance, coupled with the understandable emotional trauma, supports and substantiates the legal defense of temporary insanity. At his trial, Lester was rightly excused by the jury for his merciful act

Notes

¹ Gerald Tomlinson, *Murdered In Jersey*, 150-152.

² *Ibid*, 152.

³ Aristotle, *Nicomachean Ethics*, 111.

⁴ *Ibid*.

⁵ *Ibid*.

⁶ *Ibid*, 111-112.

⁷ *Ibid*, 112-113.

⁸ *Ibid*, 115.

⁹ Tomlinson, 150.

¹⁰ David W. Neubauer and Henry F. Fradella, *America's Courts and the Criminal Justice System*, 48.

¹¹ Tomlinson, 151.

¹² Neubauer and Fradella, 48.

¹³ Peter Westen, "Individualizing the Reasonable Person in Criminal Law", 138.

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