

Euthanasia and its Validity in Global Perspective: An Analysis

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Abstract : Euthanasia is an important problem that disturbs the modern society. In fact, euthanasia may be viewed as one of the issues which are very controversial since, on one hand, it is supposed to provide incurable patients with an opportunity to end their suffering, while, on the other hand, it raises a number of ethical and illegal issues to the extent that it may be viewed as crime. But euthanasia also seems to contradict one of the most basic Principles of morality, which is that killing is wrong. Viewed from a traditional Judeo-Christian Point of view, euthanasia is murder and a blatant violation of the biblical command "Thou shall not kill." From a secular perspective, one of the principal purposes of law is to uphold the sanctity of human life. Euthanasia is so controversial because it pits the plight of suffering, dying individuals against religious beliefs, legal tradition, and in the case of physician-assisted death, medical ethics.

Keywords: *euthanasia, judicial, independence, legislature.*

Introduction

The subject of euthanasia is a highly controversial and divisive topic, raising an array of sophisticated moral, ethical, social, philosophical, legal and religious concerns. There are two main groups of arguments deployed against euthanasia.

The first group is religious: many religions, notably Christians, do not recognize a right to die, believing life to be a divine gift. Christians also regard suicide as a sin. The second group relates to the requirement of consent. The capacity of terminally-ill patients to give informed consent for their own killing is questioned. Sometimes the doctors and relatives may press people into accepting euthanasia against their Will and for reasons not related to their welfare.

If we reject the use of euthanasia as the solution to the problem of suffering, that cannot be the end of the matter. Suffering still remains as the real problem to be faced. We must therefore face this problem while concluding. What are we to do in the face of the distressing symptoms and situations from which our patients may be suffering?

- i. We should prevent these symptoms or situations arising by anticipating their onset and forestalling their more serious development.
- ii. We should keep abreast of all the current knowledge and skill in the control of these distressing symptoms. This applies especially to the effective use of the many new drugs and physical methods of control now available.
- iii. We should encourage the provision of facilities for the care and cure of patients who need the services of palliative medicine.
- iv. We should promote active and competent research, which is aimed at the improvement of the means for the relief of suffering, so that new methods might be discovered, and old ones made better.
- v. We must recognise that the care of the sufferer and the relief of his suffering are never purely medical concerns. We must provide for his physical, mental and spiritual welfare by involving all the caring professions in an effective and sensitive approach to the patient and his family in order to support them in their situation of need.

Global approach for Euthanasia

In the United States, Dr. Jack Kevorkian - Known as 'Dr. Death' - successfully challenged the law on euthanasia, avoiding prosecution for conducting medically-assisted suicides across the country for 10 years. In a landmark 1999 decision, however, he was sent to prison for 10 to 25 years for administering a lethal injection.

Lord Joel Joffe has been campaigning since 2003 to allow assisted dying for the terminally-ill. His Private Members' Bill 'Patient (Assisted Dying)' was introduced to the House of Lords in February of that year.

In November, 2004 Lord Joffe's new 'Assisted Dying for the Terminally-Ill Bill' to legalize assisted dying received its first reading in the House of Lords and in November 2005 an amended version of the Bill was introduced to the Lords. But in May, 2006, following a highly publicized seven-hour debate, peers voted by 148 to 100 rejected the bill.

Countries which have enacted legislation on assisted dying:

- i. Belgium: The Belgium Act on Euthanasia was passed in May, 2002. The law allows adults who are in a "futile medical condition of constant and unbearable physical or mental suffering that cannot be alleviated" to request voluntary euthanasia.
- ii. Luxembourg: In February, 2008, the Luxembourg Parliament approved a Law on the Right to Die with Dignity. This allows a person who is suffering unbearably from an illness, and is mentally competent, to request medical assistance to die.

- iii. The Netherlands: The Netherlands introduced assisted dying legislation in 2002. Patients who have an incurable condition, face unbearable suffering and are mentally competent may be eligible for voluntary euthanasia or assisted dying.
- iv. Oregon (USA): The Oregon Death with Dignity Act has been in place for 10 years. It gives terminally ill, mentally competent people the option of an assisted death.
- v. Switzerland: Voluntary euthanasia is forbidden in Switzerland. However, article 115 of the Swiss Penal Code exempts people who assist someone to commit suicide, if they act with entirely honourable motives.

To permit medical killing, as in euthanasia, not only conveys a profound statement about the value of some human lives, it also ultimately undermines the safety of every other person in the community.

Euthanasia has been legally practiced in the Netherlands for more than 30 years. During that time, what began as assisted suicide soon become euthanasia. First it was for the terminally ill, but now those who are chronically ill can be euthanized. Initially, euthanasia was premised on the grounds of physical illness. But now it can, and has been administered for psychological distress. At first, euthanasia was only available strictly upon voluntary request now, euthanasia has occurred without a request from the patient.¹

Euthanasia Pros and Cons

The intentional killing by act or omission of a dependant human being for his or her alleged benefit is called euthanasia. The word 'euthanasia' is derived from the Greek word means where 'eu means good' and 'thanatos' means death'. Euthanasia also known as mercy killing is a way of painlessly terminating the lives of those who are either suffering from an incurable disease or are in immense pain. This form of assisted suicide is done with the 'humane' motive of easing one's pain and suffering.

Sometimes people mention in their Wills, that if they ever get into such a situation where it seems hopeless or too much to bear, that the family should allow him/her to die. Here are some pros to this situation:

- i. An individual should have the liberty to choose induced death if he is suffering from an incurable disease. Where even the best treatment does not improve his quality of life.
- ii. Legalizing euthanasia would help alleviate suffering in terminally-ill patients. It would be inhuman and unfair to make them endure the unbearable pain.

¹ <http://www.family.org.au/care>, visited on 22nd May, 2012.

- iii. While killing someone in an attempt to defend 'self' is acceptable by law, mercy killing is seen as an act that is highly immoral in nature. The motive of euthanasia is to 'aid-in-dying' painlessly and thus should be considered positively by lawmakers.
- iv. Euthanasia should be natural extension of patient's rights allowing him to decide the value of life and death. Maintaining life support system against the patient's wish is considered unethical by law as well as medical philosophy. If the patient has the right to discontinue treatment, why would he not have the right to shorten his lifetime to escape the anguish? Is not the pain of waiting for death more traumatic?
- v. Family heirs who would misuse euthanasia as a tool for wealth inheritance does not hold true. Reason being, the relatives can withdraw life support leading to early death of the said individual even in the absence of legalized euthanasia. Here they are not actively causing death, but passively waiting for it without the patient's consent. This is passive involuntary euthanasia that is witnessed around us even without legal support.
- vi. Health care expenditure is and will always be a concern for the family irrespective of the euthanasia laws and only those who can afford a prolonged unproductive treatment will continue to do so. A selection of those in support of mercy killing often asked whether it is rational to keep a person- who has no hopes of survival, alive on a support system when our medical infrastructure is already under immense pressure.

Conclusion

It can thus be inferred that though euthanasia is banned world-wide, passive euthanasia has always been out there and moreover law does not prohibit it. Disrespect and overuse of (Passive) euthanasia has always existed and will always be practiced by surrogates with false motives. These are the ones who do not need a law to take one's life. The existing legal restrictions leave both the incurable patients as well as pro-euthanasia activists helpless who approve euthanasia as a goodwill gesture for a patient's dignity².

Those against this practice most often resort to ethics and morality. They argue that mercy killing is an unethical practice because killing a person for whatsoever reason, cannot be justified. Here are some cons of euthanasia:

- i. Mercy Killing is morally incorrect and should be forbidden by law. It is homicide and murdering another human and it cannot be rationalized under any circumstances.

² <http://www.buzzle.com>, visited on 22nd May, 2012

- ii. Human life deserves exceptional security and protection. Advanced medical technology has made it possible to enhance human life span and quality of life. Palliative care and rehabilitation centers are better alternatives to help disabled or patients approaching death live a pain free and better life.
- iii. Family members would take undue advantage if euthanasia was legalized by influencing the patient's decision into it for personal gains. Also, there is no way one can really be sure if the decision towards assisted suicide is voluntary or forced by others.
- iv. Even doctors cannot firmly predict about the period of death and whether there is possibility of remission with advanced treatment. So, implementing euthanasia would mean many unlawful deaths that could have well-survived later. Legalizing euthanasia would be like empowering law abusers and increasing distrust of patients towards doctors.
- v. Mercy Killing would lead to the 'slippery slope effect; which is when those who are unable to voice their desires, are put to death because of no fault of theirs', like a baby or someone in a coma or in case of animal euthanasia. It would cause decline in health care and cause victimization of the most vulnerable sections of society. Perhaps, mercy killing would transform itself from the 'right to die' to 'right to kill'?
- vi. Moreover, all the religions believe euthanasia to be an act of murder, with no one's right to end life or be the judge of what happens next. Apart from these reasons, there is a greater possibility of euthanasia being messed up with.³

Thus, morally and ethically, a medical professional has vowed to give and protect life. Taking away life of a patient is an act, totally against the very basic principles of the medical profession. Also, the person asking for any of the acts of killing is considered to be in a state of compromised mental ability. This makes them unnecessarily ask for death to be freed from the depression and loss of the freedom due to inability to carry out physical activities.

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