

Review Article

Euthanasia [Mercy Killing]

P.N.Murkey & Konsam Suken Singh***

Abstract

Euthanasia is a controversial subject, not only because there are many moral dilemmas associated with it, but also in what constitutes its definition. At the extreme ends of disagreement, some school of thoughts are of the opinion that euthanasia, also known as physician assisted suicide or physician aid in dying, is a meriful act of dying. At the other end, there are opponents of euthanasia who believe that this method is a form of murder. In the present article, the authors give a brief description about the subject and discuss its moral implications in different countries in brief.

Keywords : *Euthanasia, suspended animation, letting die, physician assisted suicide.*

Introduction

The term euthanasia was derived from the Greek words “eu” and “thanatos” which means “good death” or “easy death”. It is also known as Mercy Killing. Euthanasia literally means putting a person to painless death especially in case of incurable suffering or when life becomes purposeless as a result of mental or physical handicap.¹

The purpose of life is to be happy and to make others happy if possible, to grow old gracefully and to die with dignity. So the question of euthanasia arises on three occasions-²

- 1) At the beginning of life (at birth)
- 2) At the end of natural life (terminal stage) and
- 3) When a person is severely impaired as a result of brain damage (unforeseen mishap)

At Birth

- In case of physically and mentally handicapped infants
- Decision rests on the parents or on the doctors aided by the law of the land
- The decision should be based on :
 - quality of life the child can expect and

its consequent impact on the parents, society and the resources of the State and also care of the child after death of the parents.

At terminal stage

- The dying conscious patient can give his own consent or decision as to continue or not the ongoing treatment if he wishes to.
- No moral obligation on doctors to preserve life at any cost.

Unforeseen mishap

- When a person is severely impaired as a result of brain damage either due to violence, poisoning or natural causes where the brain suffers from hypoxic brain damage from which it cannot recover irrespective of the treatment given his life can be SUSTAINED by artificial means but only IN A STATE OF SUSPENDED ANIMATION.
- This gives rise to the confusion whether the treatment is prolonging LIFE or DEATH !!
- In such cases he may be allowed to die in comfort and with dignity

(Such a step would also save the resources of the State for more rational uses)

Types :

- 1) ACTIVE or Positive
- 2) PASSIVE or negative (also known as letting-die)

*Corresponding author- Associate Professor,

**Post Graduate Student, Department of Forensic Medicine & Toxicology, MGIMS, Sevagram, Wardha (dist.) Maharashtra - 442102.

- 3) VOLUNTARY
- 4) INVOLUNTARY
- 5) NON-VOLUNTARY

1) Active Euthanasia

- It means a positive merciful act to end useless sufferings and a meaningless existence. It is an act of COMMISSION for example by giving large doses of a drug to hasten death.

2) Passive Euthanasia (letting-die or aid in dying)

- It implies discontinuing or not using extraordinary life sustaining measures to prolong life. Others include
- Act of OMISSION such as failure to resuscitate a terminally ill or incapacitated patient (e.g a severely defective newborn infant). Other methods include disconnecting a feeding tube, not carrying out a life-extending operation or not giving life-extending drugs etc. **'Letting die'** ... means to give way to an ongoing inner-organismic process of disintegration, without supporting or substituting vital functions. Therefore the extubation [removal from a ventilator] of an incurably ill patient, though a physical action with subsequent death, is not killing in its proper meaning... The extubation does not produce the effect of death; it only influences the time of its occurrence. Calahan (1992) has aptly illustrated this difference of causality: The lethal injection kills both the ill as well as the healthy person; the discontinuation of life-sustaining treatment, however, only causes the death of the mortally ill, whereas on the healthy it would have no effect at all."

3) Voluntary

- When the euthanasia is practiced with the expressed desire and consent of the person concerned.⁷

4) Non-Voluntary

When it is practiced without the scope to make the desire of the subject available

- This includes cases where:
- the person is in a coma
- the person is too young (e.g. a very young baby)
- the person is senile
- the person is mentally retarded to a very severe extent
- the person is severely brain damaged
- the person is mentally disturbed in such a way that they should be protected from themselves"

5) Involuntary

- When the euthanasia is practiced against the will of the person.

Doctor-Assisted Suicide

Assisted suicide: Someone provides an individual with the information, guidance, and means to take his or her own life with the intention that they will be used for this purpose. When it is a doctor who helps another person to kill themselves it is called "physician assisted suicide or doctor assisted suicide"³

In doctor assisted-suicide, the doctor provides the patient with medical know-how (i.e. discussing painless and effective medical means of committing suicide) enabling the patient to end his / her own life.¹

Ethical Contradiction

The Hippocratic oath and International code of medical ethics pose ethical contradiction for the doctors. Hippocrates mentions euthanasia in the Hippocratic Oath, which was written between 400 and 300 B.C. The original Oath states: "*To please no one will I prescribe a deadly drug nor give advice which may cause his death.*" According to him, a doctor is to relieve the pain of his patient in one hand and protect and prolong his life on the other. **The first can be used in favour of the doctrine of euthanasia but the second counters the doctrine.** American Medical Association hold it inconsistent with the ethics of advanced medical technology. Advanced medical technology could or should prolong sufferings.⁴

Religious And Philosophical Background

No religion approves euthanasia. However, philosophers like Aristotle, Plato and Pythagoras favored euthanasia. Different organizations have moved from time to time to form public opinion in favour of euthanasia and legalize it. The Roman Catholics oppose the right of self killing.⁴

Trends Of Euthanasia In Different Countries

Laws around the world vary greatly with regard to euthanasia, and are constantly subject to change as cultural values shift and better palliative care, or treatments become available. It is legal in some nations, while in others it may be criminalized.

The Canadian law allows a person to refuse medical treatment and the medical profession accepts the 'living will', but the law does not allow the doctor to actively help someone to kill himself. However, amidst the ongoing debates, the Netherlands became the first testing ground for the world since it legalized euthanasia on 28th November 2000. Passed by a vote of 104 to 40, the law provides for the addition of a special "criminal liability exclusion" clause to Article 293 and 294 of the Dutch Penal Code that deals with the offence of homicide. Australia also has a voluntary euthanasia law which is steadily working well. In Australia, a computerized injection system is in use to accomplice euthanasia.⁵

Currently in the UK, any person found to be assisting suicide is breaking the law and can be convicted of assisting suicide or attempting to do so (i.e. if a doctor gives a patient in great pain a bottle of morphine to take (to commit suicide) when the pain gets too great). Although two-thirds of Britons think it should be legal, a recent 'Assisted Dying for the Terminally-Ill' Bill was turned down in the lower political chamber, the House of Commons, by a 4-1 margin. In USA the practice of euthanasia is a clear offence too theoretically, but in real practice three judgements of different courts during trial of euthanasia cases seem to be liberal. Supporters advances augument of civil rights of terminally ill. Opposers say it is to eradicate inconveniently ill elders. Moreover, some states in the USA including Washington D.C. have laws that

recognise the LIVING WILLS (law to say in advance that one does not want to be kept alive with artificial means when there is no hope).

Though not approved, the legal position in Germany, Switzerland, Poland etc. are comparatively liberal.⁴

India

Like almost in all other countries, euthanasia has no legal status. The practice of euthanasia is a clear act of offence, either a suicide and assistance to commit suicide or a murder. The latest judgement of Supreme Court declares that : Right to DIE is not included in the Right to LIFE under Article 21 of Indian Constitution. Article 21 is a provision guaranteeing protection of life and personal liberty and by no stretch of imagination can imply 'EXTINCTION OF LIFE'. 'Right to life' is a natural right embodied in Article 21 but suicide is an unnatural termination or extinction of life and therefore not compatible and inconsistent with the concept of 'right to life'.¹

Conclusion

Views, ideas and laws of euthanasia vary greatly from country to country and from individual to individual. Euthanasia has been at the centre for a moral debate for long. The individual's right over his/her life and the value placed on human life by the society seem polar opposites in this debate. Opponents of euthanasia maintain that there is a clear moral distinction between merely allowing to die and actually causing or deliberately hastening someone's death. For some it is a crucial moral discernment; for others, it represents either casuistry or moral fiction. In India also, the debate on euthanasia has again become a live issue as the supreme court of India recently passed a verdict that attempted suicide is not a crime. This signifies social approval of suicide and euthanasia which is assisted suicide. As far as we (the authors of this article) are concerned, considering its moral and ethical values of the concept and also its legal conviction, we are of firm belief and opinion that India must never practice euthanasia by law. In this regard it would be quite worthwhile to remember the words of Lord Edmund Davis – "killing both pain and patient may be good morals, but is far from CERTAIN that it is good law."⁶

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