

## LEGAL, SOCIAL AND ETHICAL ISSUES IN EUTHANASIA

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### ABSTRACT

*In the present era, there is tremendous changes have taken place in beliefs and practices pertaining to the beginning of life. Family planning and birth control instead of being condemned are now accepted as a duty and responsibility. Now abortion is legal in certain circumstances, if abortion could be legal in certain circumstances, then why is there no euthanasia law for the people who have no hope of their life? All human beings have the fundamental right to live. However, there is always a dilemma involved in letting the suffering people die and killing the innocent patient under a false pretext. It can be argued that the issues involved in euthanasia have a significant implication for the individuals in society and to the policymakers. Many people pray that they will not outlive their usefulness and became a burden to their next kin, forcing them to spend large sums of money only to postpone inevitable. Euthanasia is a controversial topic and people are becoming increasingly aware of the issues attached to it. Evidence of this is the question and argument being orchestrated in a rising volume of publication seminars conferences, court decisions and legislative proposal. This work attempt to stimulate discussion and appropriate action in dealing with this present problem. This present work concentrates on the implications involved in the human rights to live especially in the field of medicine and also aims at expositing the issues of euthanasia from legal, social and ethical perspectives.*

**Keywords:** *Euthanasia, Ethical Issues, Legal Perspective.*

### INTRODUCTION

In normal situations patients are often taken care of in normal circumstances, however, in case of the severe or final stage of a terminal disease, she /he can be either sustained forever in their own existing painful conditions or can be allowed to die. The dilemma involved in fluctuating between these two alternatives is often a crucial and debatable topic in all the ages and the ages to come. In these situations, questions can be raised from an ethical, social, legal and medical perspective which needs to be addressed in an altruistic and judicious manner. If we are about to terminate the life of an innocent patient who is in a painful condition but prefers to live then the ethical question arises; how we can take the life of others? This is against medical ethics. And another question is, whether it is ethical to keep him/her alive just because we cannot morally let him/her die? Can his/her family insist on keeping the patient alive or his/her life is not to be continued? What are the legal rights of the patient and his/ her family? What is the responsibility of the physician in providing medical care? Is it legal to discontinue the care? Can the patient herself influence the decision taken regarding her future medical care? In this work, an attempt has been made to analyse these debatable issues which form the cornerstone of this work.

More often emphasis is placed on the medical profession whenever the question with regard to the individual's life and related issues. The difficulties arise in the case of

terminally ill patients where the ethical debate over the value of life is of utmost importance. However, these ethical debates have to be viewed along with the legal scrutiny of euthanasia.

## **EUTHANASIA FROM LEGAL PERSPECTIVE**

The constitution of law is one of the strong pillars of human society (Edor & Odok 2010). Human beings must abide by the law to have a peaceful society. Otherwise, society will be in chaos. Unconditioned action is not free action. An action cannot be considered as free unless and until it is preceded by some necessary condition. Every action in a society can be considered either right or wrong (Akwaji & Paschal 2018). Right action gets the approval of the society whereas the wrong action gets disapproval from the society. To prohibit the wrong action done by an individual and to protect others from being a victim of it, state laws have been framed. If an individual performs an action not approved by the society, such actions are considered as wrong actions and the state enforces laws to prevent such actions, either by punishment or by reformation. The *rationale* behind state's law and order is to maintain a peaceful atmosphere in our society and also to help in upholding good human relations. Hence, an attempt to problematize the dilemmas involved in legalising euthanasia as right or wrong is considered here.

Every profession as a wheel revolves with a certain ethical code as its fulcrum. It implies certain imperatives are ethical and certain imperatives are legal which is protected by the state. Medical profession in one such profession which encompasses both ethical and legal codes. Even the issues pertaining to euthanasia raises questions like: whether the physician, patient or relatives have the right to decide the application of euthanasia? It is the final decision of an individual during the last stages of his/her life, so it is of undue importance to analyse the issues involved in legalising euthanasia, so that it can be prevented from being abused. Other groups may say that there is no need for legal permission to apply euthanasia. However, if euthanasia is legalised then there may be a solution for the questions like whether the individuals or patients have the right to live or die. But euthanasia, if legalised will be abused; if it is not legalised then the patient has to undergo continued sufferings. Hence, there are ethical and legal dilemmas involved in legalizing euthanasia.

There are states which legalized euthanasia such as Belgium, Luxemburg, Netherlands, Oregon, Montana and Washington.

In Switzerland practicing active euthanasia is accepted and is legalized (Hurst & Mauron 2003). According to it, the doctor can administer lethal injection to the patient based on his/her consent. Here, there is no guilt of a criminal act from the doctor's side. Euthanasia is not legalized in Britain (Hurst & Mauron 2003). March 2012, survey mentions that 180 British people were administered euthanasia in Switzerland, based on their living consent. This form of death is known as '*dignitas*', which means 'suicide tourism' (Lorenzl et al., 2017).

Netherland is the first country to legalize euthanasia with some terms and conditions. The rules that have to be followed by the physician in the Netherlands for practicing euthanasia are mentioned below:

1. The patient's suffering is unbearable.
2. The disease is incurable.
3. Patient's condition is terminal.
4. Patient's request for death.

In many countries the wave towards legalising application of euthanasia seems to be in an increased order. The first attempt made in the 20<sup>th</sup> century in legalising euthanasia is by the United States of America. The concept of euthanasia was first introduced in the Ohio legislature in the year of 1906. But the attempt was failed due of the lack of supporters (Tarabeih et al., 2020). In the election conducted for legalising euthanasia, only 22 people voted in favour of voluntary euthanasia out of 78, subsequently the bill was rejected and the idea of voluntary euthanasia was dropped. The attempt to legalise euthanasia has both positive and negative sides. Few groups rejected and few other groups accepted the legalisation. Most of the people from the religious groups rejected the application of euthanasia and a portion of doctors also rejected it. The acceptance or rejection mainly depends upon the culture and moral norms of that country.

### **EUTHANASIA FROM A SOCIAL PERSPECTIVE**

Euthanasia as a social issue has its influence on cultural, economical and political aspects. It reflects on the liberty of the society. Socially the individuals have some fixed values and norms and the individuals have to follow those morals in a society. The dying person and the relatives of the patient also have to follow certain social norms and values. Even though, the patient is suffering from painful disease and distress; his relatives have to consider the social norms. In any society there are some beliefs about the individual's life, which can't be overruled. In this situation, if euthanasia is legalised it will lead to social controversies. The loved one's suffering and distress will be a painful sight to the relatives, but from the legal perspective there is no place for the moral norms and values. A good number of old age homes, homes for rehabilitation centres and mentally challenged have been emerging in the contemporary society. The brutality and barbarian form of living existed during the pre- civilization period might creep in the existing situation there by warns about the difficulties in administrating euthanasia which will create a chaos in the society. In this context ethical problems will arise in mercy killing.

When euthanasia is legalised the patient's autonomy will be in trouble. Where in there will be inequality in autonomy when the relatives demand the patient to die. Which will inturn, directly or indirectly reflects on the patient's existence. Psychologically, they will be frustrated. Good family and society is the base of individual's good action and support. It includes emotional, practical and financial support of the individual. In near future, there might be a situation where human beings will be considered as mere specimens in conducting laboratory experiments in the name of euthanasia. In this way, euthanasia will open the gates in letting the social evils to its abuse and threat, for the

human existence in the society. A clear discussion pertaining to euthanasia is important in this perspective. The same case can be viewed from a sociological point of view.

*Thalaikoothalis* is a social practice behind which there is a motive in killing the elderly people (Pousset 2018). In Tamil Nadu, Virudhunagar district and some other southern parts of Tamil Nadu there is an established social practice named *thalaikoothal*. This is applied on the elderly or to the terminally ill people. These elderly people are given a ceremonial oil bath, after that they will be fed tender coconut water. Which will cause pneumonia and eventually lead them to death. Sometimes they will add poison for hastening the death. Their main motive will be to grab the property. One such incident was reported in Virudhunagar district. Where an eighty year old man escaped from his house because his children were going to conduct the *thalaikoothal* functions for him. The whole family members were involved in the unethical social practice. This in turn implies that if euthanasia is legalized, there is a possibility of misusing them on the innocent people without any shadow.

Lack of awareness is the first reason for misusing euthanasia and majority of the people don't have the knowledge about euthanasia. Some people are not educated and also they are exploited in specific situations. Sometimes patients seem to be a burden to the relatives, so they will apply euthanasia without the edge of the patient. The patient may not be aware of what is going to happen and he may die unknowingly. The aim of the relatives may be grabbing the property and reliving from the burden. Because of these reasons the poor individuals lose their life. According to Dr. Amit Agarwal, oncologist of Fortis Hospitals

Noida Delhi, India expressed about his dilemma of the lay man's awareness of euthanasia as;

Absolute lack of public awareness and clear-cut legal directions on end-of-life terminal care. Whenever we are in a situation where nothing is going to be advice by aggressive, life sustaining treatment in a terminal ill patient, we honestly tell the patient and the family and take in to consideration what the patient would have wanted. We also do everything to make the patient as comfortable and pain-free as possible (Umasekar 2010, p. 6).

Euthanasia is not only a legal and ethical issue but a social issue also. Social issues are discussed by Lord Brock (London). He did not oppose euthanasia but analyses the sociological perspective of euthanasia. Once euthanasia is legalised, the government will face the problem of applying euthanasia because the government is supposed to solve the problem after legalizing euthanasia. The government encounters the challenges like: Who will perform euthanasia? Where will it be practiced or where will we practice it, home or hospital? How should be done? Lord Brock hoped that the doctors and nurses would not do this because they have the duty to save a patient's life and not to kill.

In social life it is often considered as a burden for the family and the individual, when it comes to the case of a diseased and disabled person. So their life will become devalued and they will be a burden to their relatives. They themselves feel that they are burden to their relatives and also to the society. Because of the helplessness in life they think that

they are not useful to the society. Since their life is not valuable, they are forced to die. Here, the patient's autonomy is of no value since the final decision is taken by the relatives. Society is always concerned about the individual's quality of life. So society has the responsibility of protecting and giving them good quality life. Sometimes society also fails in this aspect. The diseased person will be facing more psychological pressures. So the best option is to choose death. Death is the only way of escaping from the intolerable situation and also from the suffering of painful disease. Here, the patient may opt voluntarily or knowingly but not with 'coercion'.

The government and the society have the responsibility to secure the life of disabled persons. Some special shelters have to be allotted for the disabled people. But this will make isolation of the disabled people for instance in the case of AIDS patients. Once society starts isolating the AIDS patients, it will become practice. People still think that AIDS is a vulnerable disease. This isolation will detach the connection between ordinary man and the patients. This type of isolation will affect the patient psychologically. So they will think that there is of no hope of recovering, and they will be depressed and forcefully take the decision for applying euthanasia. But the society also has the responsibility to help the isolated patient. This isolation of the patient or elderly people motivates them for dying. The society has the responsibility to protect the elderly people. One such isolated place is an old age home.

The painful sight of the patient will create sadness in the life of their close relatives due to the lack of emotional support and financial support so only a good family can produce good individuals to the society. The emotional attachment of the family members will create worries to the disabled person. It will be one of the reasons for choosing euthanasia by the patient. The question is who will perform euthanasia? Usually doctors practice it in some circumstances. Sometimes based on the patient's request, others might perform euthanasia. But once euthanasia is legalised, a dilemma will be opened. Applying euthanasia can be justified under some circumstances in the medical field. But in society it is wrong. If many people want to apply euthanasia it leads to many controversies. The government has to identify specific place to perform euthanasia hospital or some other place. If someone kills the other person for the sake of property, the government will not be able to sentence that person. Since it has legalized killing and cannot punish the people. All these types of dilemmas are to be encountered by the government.

Nigeria, have some social, culture and ethical norms. These are norms binding our law. If this type of killing gets permission from the law then nobody wants to practice it. In Nigeria euthanasia cannot be reformed to the patients. It is a social problem. The government has to appoint doctor and police for killing. It implies killers are also needed in our society. If euthanasia is legalized socially it will be misused. In the name of euthanasia the patient will be exploited for the sake of organs. The world we are living is turning out to be more materialistic, selfish and detached where everyone is looking forward only for the money and nobody bothers about love and emotional feelings like bonding and attachment. In the present context there is a possibility of killing a PVS patient or brain dead patient for the aim of removing the organs and we know that such cases have been



reported in the third world countries and especially in a country like Nigeria where population is beyond control and poverty is found everywhere.

The main trouble which the society will be facing is the difference between haves and have-nots. There is a chance for killing the have-not people for many purposes. In the contemporary world many people are living on foot path. The government and society also don't accept them as citizens. Some time they may be killed for the political reasons. The societies should give importance to the progress of the rehabilitation centres for old people, for children, for patients and mentally challenged persons. The people also should feel responsible along with the government. If euthanasia will be practiced, then there is no need of any values in the society. In Nazi Germany, euthanasia was practiced for killings the people with disease. Once euthanasia is legalized, then it is good to any society. Perhaps Hitler's aim was to reduce the economic burden but here the aim is different.

At the same time both for the relatives and for the medical institutions, the patient becomes a burden. In these circumstances, the physician advises to relatives to take back the patient. If relatives give the plea to the institution, then they can allow the patient to stay in the hospital. Here, both the relatives and the institution may feel the burden. One of the reasons is financial.

#### **PERSPECTIVE IN FAVOUR OF EUTHANASIA AS UNETHICAL**

Ethics is the judgement of human actions, an action which is right or wrong will be decided according to the context in which the action needs to be taken. Here, ethics become relative and situational. According to Joseph Fletcher's, ethics deals with preferable and science deals with possible and probable. Ethics is the moral action of human beings in the society in which they are situated. Ethics can be applied only in the sphere of the *homo sapiens* and not among the animal sphere or divine sphere. Society is made up of some rules and regulations. These rules and regulations are part of ethics, helping the human beings to make their character good (Esikot et al., 2019). Every individual is imbued with some ethical qualities one way or the other, even a criminal does not lack ethics. It is highly impossible to ignore ethics from the human sphere which is the fulcrum of the human institution. For instance in the field medicine, the professional code of ethics forms the completeness of that profession, where the doctor's prime duty is to save life, which is reflected in the Hippocratic Oath (Askitopoulou & Vgontzas 2018).

In the current world people have not given preference to the morality and they are living in their own life style with their own concepts without morality. They are thinking about their own ways of establishment. They are killing others for the selfish purposes. They don't bother about the other peoples mind and problems. Killing other people for selfish purposes and applying euthanasia is wrong or unethical. Every human being has a natural tendency for long life along with his dear and near ones. At the same time if they are suffering with any incurable disease they will be the burden for their family. The patient will be thinking about the family's financial situation also. So in such cases they will be opting to die. Euthanasia appears to be the best possible solution for such patients. One of the cases described below will explain the above mentioned situations.

The religious view says that, euthanasia is unethical because their belief that the life is created by god. So taking the life back is the sole right of God. So if we kill the person or the life, or the destruction of life then it is the rejection of a divine gift. Religion says that we have no right to take the life but we have duty to live the life till god takes our life back.

Religion believes that we have right to live. The religions believe that sometimes the patients who are in a vegetative state due to head injury or any other brain disease are not sure- fine cases for euthanasia. For these comatose patients' if proper medical care and life support system is given few months, they will be miraculously swung back to recovery and resumed life so the religious are doctrines for applying euthanasia. The religious dictum like 'Do not steal' 'Do not kill' and 'Do not tell a lie'. This is the most important ethical judgment. The religious and ethical systems upholds the concept of ethics and the religious thinkers also telling it's not good because our life is gift of god so we have no right to take life.

## CONCLUSION

The point which I am trying to drive home from this work is that after analysing pros and cons of euthanasia from legal, social and ethical perspective, it is clear that that it is very hard to generalize whether euthanasia is right to wrong. There is always an ethical dilemma involved in deciding whether it is good or bad, finding a general or absolute solution is a farfetched idea this work. However, that doesn't mean that it is not in a position to analyse it, balancing with the merits and demerits of euthanasia, it seems to me that euthanasia has to be viewed with the spectacles of three sixty degree. The lived experience of patient along with the environment in which he is situated should be the yardstick in deciding the merits and demerits of euthanasia. Above all according to the situation and the context in which the problem arose has to be viewed from different angles before taking any decision, in this context it has to be viewed from medical grounds, legal, social and ethical grounds before taking any decision. Such a solution will be rational as well as ethical and also a path finder.

## REFERENCES

- Askitopoulou, H., & Vgontzas, A. N. (2018). The relevance of the Hippocratic Oath to the ethical and moral values of contemporary medicine. Part II: interpretation of the Hippocratic Oath—today's perspective. In *European Spine Journal* (Vol. 27, Issue 7, pp. 1491–1500). <https://doi.org/10.1007/s00586-018-5615-z>
- Byars, S. M., & Stanberry, K. (2019). *Business ethics*. Houston, TX: OpenStax College, Rice University.
- Esikot, I. F., Bessong, P. K., & Ette, E. E. (2019). An Examination of Spinoza's Moral Philosophy. *GNOSI: An Interdisciplinary Journal of Human Theory and Praxis*, 2(1), 10-19.
- Hurst, S. A., & Mauron, A. (2003). Assisted suicide and euthanasia in Switzerland. *BMJ*, 327(7405), 52–53. <https://doi.org/10.1136/bmj.327.7405.52-c>

- Lorenzl, S., Butzhammer, L., & Nübling, G. (2017). Assisted Suicide of patients with parkinsonian syndromes in Switzerland – the need of early and continuous integration of palliative care and dignity therapy. *Movement Disorders*, 32(suppl 2).
- Ogar, T. E., & Ogar, J. N. (2018). Globalization in Africa and Beyond: The Quest for Global Ethics. *GNOSI: An Interdisciplinary Journal of Human Theory and Praxis*, 1(2), 38-47.
- Tarabeih, M., Bokek-Cohen, Y., Abu Rakia, R., Nir, T., Coolidge, N. E., & Azuri, P. (2020). Religious observance and perceptions of end-of-life care. *Nursing Inquiry*, 27(3). <https://doi.org/10.1111/nin.12347>
- Glenn, R. A. (2003). *The right to privacy: Rights and liberties under the law*. Abc-Clio.
- Young, R. (2007). *Medically assisted death*. Cambridge University Press..
- Pojman, L. P. (2000). *Life and death: a reader in moral problems*. Wadsworth Publishing.
- Hockey, L. (1987). The End of Life: Euthanasia and Morality. *Journal of Medical Ethics*, 13(1), 50.
- John Keown, J. (2018). *Euthanasia, ethics and public policy: an argument against legalisation*. Cambridge University Press.
- Young, R., Van Beinum, M., Sweeting, H., & West, P. (2007). Young people who self-harm. *The British Journal of Psychiatry*, 191(1), 44-49.
- Grisez, G. G., & Boyle, J. (1979). *Life and death with liberty and justice* (pp. 59-85). Notre Dame: University of Notre Dame Press.
- Paterson, C. (2008). *Assisted suicide and euthanasia: a natural law ethics approach*. Ashgate Publishing, Ltd.
- Rachels, J. (1986). *The end of life: euthanasia and morality*. New York: Oxford University Press.
- Paterson, C. (2008). *Assisted suicide and euthanasia: a natural law ethics approach*. Ashgate Publishing, Ltd.
- Callahan, D., & White, M. (1996). The legalization of physician-assisted suicide: creating a regulatory Potemkin village. *U. Rich. L. Rev.*, 30, 1.
- Umasekar, S. (2010, February 14). The Fight for Dignity in Death. *The Hindu Daily News Paper*, pp. 1-19.