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Euthanasia: Review

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Abstract:

Euthanasia is not a very explored field in the world. The practice of Euthanasia or mercy killing is the act of relieving a person from their pain and suffering due to an incurable illness. Euthanasia has been differentiated in a number of subtypes - Active Euthanasia, Passive Euthanasia, Voluntary Euthanasia, Involuntary Euthanasia and many more. The legalisation of Euthanasia in India was after the case of Aruna Shaunbaug. There are many countries in the world who have legalised the practice of Euthanasia like Belgium and Netherlands while other countries strongly oppose the practice of Euthanasia.

The term euthanasia or mercy killing are used in context when a person's life is taken by others on his/her request because they are suffering a terminal illness or have been incapacitated and wouldn't want to continue suffering. The practice of euthanasia is simply a merciful end to a person's life to relive them from misery, incurable disease and suffering.According to Black's Law Dictionary (8th edition) euthanasia means the act or practice of killing or bringing about the death of a person who suffers from an incurable disease or condition, especially a painful one, for reasons of mercy. (Caesar Roy,2013) The term Euthanasia has been adopted by the medical field to relieve patients from long term suffering and ailment and help them die in a more dignified manner.Euthanasia is the termination of another person's life by direct intervention (active euthanasia) or by terminating life prolonging measures and resources (passive euthanasia) which will either happen at the request of the patient (voluntary euthanasia) or in their absence when they can't make a decision (nonvoluntary euthanasia). (Arsalaan. F. Rashid, Balbir Kaur, O.P. Aggarwal, 2012)

Euthanasia is not favoured by any religion. However, philosophers likeAristotle, Platoand Pythagoras were in favour of euthanasia.Different organizations over the time moved formed a public opinion in favourof euthanasia and legalize it. Dating back, it was seen that the Roman Catholicsopposed the right of self-killing.(Nandy,2005)Euthanasia comes from Greek origin where "EU" means a good death and "Thanatos" means "easy death". The act of mercy killing or euthanasia has been prevalent in many cultures from a

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long period of time and is not a new and modern concept. Earlier in ancient Greece and Rome, helping in someone's death was allowed as is seen in history where in Sparta, new born were put to death who were suffering from severe birth defects. {Caesar Roy, 2013}The noun euthanasia, the adjective euthanatos, the adverb euthanatôs and the verb (ap)euthanat(iz)einwere first used in the third and Fourth BCE by Greek comedy writers like Menander, Posidippus and Cratinus, portraying where a glutton enjoys the good things of life so much that he wishes to die on the spot. The word euthanasia and its derivatives were used to indicate a happy end of a good life. Euthanasia and its many meanings indicate the idea of a comfortable, noble and happy death. in the modern sense euthanasia is associated with gentle death which is seen in medicalterms. There has been a paradigm shift between the meaning of the term euthanasia from earlier to now. (ANTON J. L. VAN HOOFF,2004) Ancient texts like the Quran, Bible and Rig Veda have also talked about suicide and self-destruction.The Mahabharata and the Ramayana have elicited examples of religious suicides. The Hindu people hold a very contradictory view on the practice of euthanasia, some believe that doctors shouldn't acknowledge and accept patient's request of euthanasia as that would lead to unnatural separation of the person's soul and body and it leads to destruction of their karmic forces, they also believes that euthanasia is against the teachings of ahimsa and nonviolence. Others believe that relieving someone's pain and suffering is a good dead and would help in fulfilling their moral obligation. (Caesar Roy,2013)

Euthanasia has been classified in a number of types by different people. Euthanasia can be divided into six subtypes as stated by Gandhi,K.R, 2017, which are:

Active Euthanasia: it involves the use of a lethal drug by a physician to end one's life and free them from pain and suffering.

Passive Euthanasia: it involves the discontinuation of or commencement of treatments that include life sustaining devices, its neither killing them nor saving them.

Voluntary Euthanasia (Statutory): the patient here plays the most important role where they give their full consent for termination of their lives.

Involuntary Euthanasia: the practice where there is no consent of the patient as they are not in the condition to give any kind of instructions for further process and a third party takes the decision.

Physician assisted Euthanasia: it's the act of taking decisions on Euthanasia on behalf of the patients.

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Legitimate medical Euthanasia: it's the process of providing a treatment to the patient who is terminally ill and speeding up their death to relieve them from pain and suffering. It is a legal and ethical process.

Another way in which Euthanasia has been classified has been given by Luciana PricoliVilela[I]; Paulo Caramelli[II,], who have classified it in three forms, which are:

Active Euthanasia: the act of giving a lethal injection to the patient to get immediate or almost immediate death.

Passive Euthanasia:it's the hastening of the process of death by providing medical interventions.

Disthanasia: it was recently proposed and means "death with difficulty" where the treatment process prolongs the process of dying.

The term Passive Euthanasia use has been discontinued and so it is difficult for the health professionals to know when to stop investing in the treatment of the patient and when to stop.

The consideration of euthanasia is seen on **three occasions**- (Parikh, 2000)

At Birth (Beginning of life) –

- Physically and mentally handicapped infants.
- According to the law of the land, decision is taken by parents or the doctors.
- Decision must be based on : The act's consequent impact on parents of the infant, society and the resources of the State and also guardianship of the child after death of the parents.

Terminal stage (At the end of life)-

- Patient has the right to give his/her own consent to continue or terminate ongoing treatment if he/she wishes to.
- There is no moral obligation on doctors to preserve life at any cost.

Unforeseen mishap (Severe impairment due to brain damage)-

- Severe impairment as a result of brain damage either due to poisoning, violence or natural causes which results in hypoxic brain damage from which it cannot recover. Life can only be sustained to an extend by artificial means.
- Indecision with regard to whether the treatment is prolonging life or death.
- In such cases it is seen that it would be better if the patient may be allowed to die in comfort and with dignity

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(Such a step would not only save the resources of the State for more rational uses but put an end to the fatal condition of the patient)

Physician assisted suicide is used interchangeably with physician assisted death and assisted suicide, is suicide undertaken with the aid of another person, sometime a physician(American Heritage Dictionary Entry). Which means consciously providing a terminally ill patient with the understanding and method or both needed to commit suicide, which generally includes guiding about lethal doses of certain drugs either by prescribing or supplying such lethal drugs. Individual that has been identified as terminally ill and who physically suffer from problematic symptoms with life expectancy of 6 months or less can ask from the physician to advise and/or supply a lethal dose to end his/her life.Some countries where physician assisted suicide is legal are Switzerland and Netherlands. It is also legal in some states of the United States of America like California, Hawaii, Colorado, Montana, Oregon, Vermont, Washington DC, and the District of Columbia.

The difference between Euthanasia and Physician Assisted Suicide is on the basis of the administration of the lethal dose. In Euthanasia it is performed by a doctor or a third person whereas in Physician Assisted Suicide, it is performed by the individual only. (Farooq Khan and George Tadros(2013)

In India, talks about the legalization of Euthanasia started with Aruna Shanbaug's case. Aruna Shanbaug was a 25 years old nurse in King Edward Memorial Hospital in Mumbai, where she was attacked and assaulted by a warn boy on November 27th 1973. Her attack led to a cut of her oxygen supply from her brain, leaving her deaf, blind, paralysed and in a vegetable state for 42 years. To end her pain and suffering, Pinky Virani, a journalist filled a petition for Euthanasia with the honourable Supreme Court which was opposed by the honourable Supreme Court initially by on March 7th 2011 they accepted the petition and legalized passive euthanasia under their given guidelines, which are as follows:

- The death shall be requested by a person who is terminally ill and genuinely wishes to die. The autonomy of patient is the prime concern.
- The death for the good of the patient who is well aware of the consequences and wishes to die and not for the "greater good" of the country, family or anyone else beneficence component of bio-ethic is covered here.
- The death is to relieve the unbearable pain and suffering, that is, not treatable in any other way. The patient is benefited by withdrawal of pain.
- Decision for euthanasia shall be decided only in the absence of any other reasonable alternative.
- Patient shall be allowed to prepare their living will. (Gandhi, K.R,2017)

Legality of Euthanasia has been an issue of concern all over the world. While some countries have legalised the process of Euthanasia, there are many countries who haven't. some countries that have legalised Euthanasia are:

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Status of Euthanasia in Netherlands –
Law on the termination of life does not use the term euthanasia, but rather 'termination of life on demand' (Groenhuijsen, 2007).
The Netherlands prescribed the essential liberal conditions for the execution of euthanasia. According to the law, euthanasia is permitted upon meeting of the following conditions (Keown, 2004):
1) The request originates from the patient, and is given free and voluntary.
2) The patient suffers intolerable pain, which cannot be facilitated.
3) Patient is aware of his medical condition and perspectives.
4) Euthanasia is last sanctuary for patients, because there are no other alternative.
5) The doctor, who has to perform an euthanasia, consulted a colleague who has experience in this field, and which has examined a patient and agreed that all conditions are met for euthanasia or assisted suicide.
6) Euthanasia or assisted suicide is performed with the necessary care.
Legalisation of Euthanasia in the Netherlands came with the "Termination of Life on Request and Assisted Suicide (Review Procedures) Act", 2002 stating that euthanasia and physician assisted suicide are not punishable provided the physician takes action with respect to the criteria of due care. (Kudrat,2015; Gandhi, K.R, 2017)

Status of Euthanasia in Australia:
The Northern Territory of Australia was the first country to legalize with the "Right of the Terminally Ill Act, 1996". In the following year another act was passed that made Euthanasia illegal again which was "Euthanasia Laws Act, 1997" by repealing the Northern Territory Legislation. (Caesar Roy, 2013).

Status of Euthanasia in United States in America:
Euthanasia is only legal in a few states of United States of America that includes Washington DC, California, Colorado, Oregon, Vermont, Hawaii and some other. (Kudrat, 2015)In 1997 Oregon, U.S. became the **first state to decriminalize physician-assisted suicide**, which was later on adopted by other states such as Washington, Vermont, Texas and Montana (Langrial& Muslim, 2014)

Status of Euthanasia in Canada:
In Canada, patients don't have a right to demand Euthanasia but do have a right to refuse life sustaining treatment. Physician assisted suicide is illegal in Canada as per Section 241 (b) of the Criminal Code of Canada. (Caesar Roy, 2013)

Status of Euthanasia in Belgium:
Belgium is the second country in Europe to legalize the practice of Euthanasia in September 2002. The patients have to wish to end their lives but they should be conscious when the demand is made and they have to repeat their request for Euthanasia. The patients should be under "constant and unbearable physical or psychological pain" from an incurable illness or an accident. (Gandhi, K.R.,2017)

Status of Euthanasia in India (Murkey& Singh, 2008)-

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India is one of those many countries where euthanasia has no legal status. The practice of euthanasia is considered as a clear act of offence, either a
suicide, an assisted suicide or a murder. Supreme Court's latest judgement 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 due to suicide being an unnatural termination of life, it is not compatible with the concept of 'right to life'.

All **Islamic countries** strictly prohibit the act of euthanasia. Although, in Israel passive Euthanasia is allowed according to the Israeli Law and forbidden by the Jew Law (Langrial& Muslim, 2014).

Status of Euthanasia in Switzerland:
The practice of Euthanasia is illegal in Switzerland. There is a difference between Euthanasia and Assisted Suicide, in Euthanasia a third party generally a doctor administers the lethal injection while in assisted suicide the patient administers the lethal injection himself.

Arguments against euthanasia

Eradicating the invalid: People opposing Euthanasia supports the view of palliative care, providing support to the patients and relieving symptoms.

Constitution of India: 'Right to life' a natural right listed in article 21, on the other hand, ending one's life is contradictory to the concept of right to life. It's the responsibility of the Physician to provide care and protecting life rather than harming patients.

Symptom of mental illness: Attempting suicide is generally observed in patients suffering from depression, schizophrenia, substance abuse, obsessive- compulsive disorder. Therefore, it becomes important to assess the mental status of the individual asking for euthanasia. Attempting suicide reflects a psychiatric emergency and prompts for a help and assistance.

Malafide intention: There's a probability of misusing euthanasia by family members or relatives to take over the property of the patient. (Suresh Bada Math and Santosh K. Chaturvedi (2012)

Arguments Favouring Euthanasia

Caregiver's burden: People supporting euthanasia argue that people with terminal and incurable illness have a right to die with dignity. This argument also preserves people with chronic illness even though it's not terminal such as severe mental illness.

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Refusing care: Right to refuse medical treatment is well acknowledged in law , including medical treatment that sustains life. Right to refuse for medical treatment gives way to Passive Euthanasia.

Encouraging the organ transplantation: Terminally ill patients going for euthanasia have an opportunity to go for organ donation. This not only support ' right to die' for terminally ill but 'right to life' for needy patients.

The implication of the paper is that it adds to the present literature available on the topic of Euthanasia and gives a deeper insight on the same. The future implication of the paper would include a more theoretical and practical, application-oriented mode of spreading awareness on the topic and in the formulation of governmental policies and laws. Euthanasia is a concept that has great potential and opportunities to be further explored in different cultures, ethnic groups, socio economic strata and religious settings.

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