

**Is It Justified to Approve Euthanasia based on the Right to Life with
Dignity: an Examination**

MALAY DAS

Assistant Professor, Department of Philosophy,
Chandernagore Govt. College, West Bengal

Abstract

The right to life is a basic and fundamental human right. It does not mean any kind of human existence but an existence with dignity. The right to life so should be understood as the right to life with dignity. A section of thinkers believe that those who possess the qualities of self-consciousness, power of reasoning and ability of making relationships living a dignified life. They are recognized as *human persons*. Any act harmful to the life of a *person* is considered to be an offence. And those who are in permanent vegetative state owing to illness and unable to possess the qualities required for being a *person* are recognized as *merely human*. The life of a terminal ill patient becomes too sour and agonizing that its prolongation cannot be deemed to be preservation of life sanctity. Such a condition of living is undesirable and the indignities involve in this situation hurts the right to life with dignity. Thinkers, who speak of the quality of life and on based of it making division among human being, recommend euthanasia to the terminal patients because it is only the act of ending life that could release them from suffering. And it would also be a dignified way out from the material world. A dignified death is also an integral part of a dignified living. We shall examine the argument of approving euthanasia formulated on basis of the right to life with dignity and try to show its inner weaknesses for not being considered it as justifiable.

Key Words: Human persons, Merely human, Living with dignity, Dignity of life, Affront

The law of every civilized country guarantees to every citizen the liberty of thought, expression, belief, faith and worship. It also promises to promote fraternity and assures the dignity of an individual. This assurance means that every individual has the right to have a dignified existence from birth to death. A dignified existence certainly cannot mean a life of unbearable misery caused by incurable physical or psychological ailment or a life in the state of persistent vegetation. This is the reason the society pursues since long to attain an acceptable means which relieves terminally ill patients from their miserable lives in a dignified manner. The act of

**Second Online Session of Society of Positive Philosophy and Interdisciplinary Studies
(SPPIS) Haryana
24th June, 2014**

<http://sppish2session.wordpress.com>

euthanasia is one that society nurtures for long period of time in respect of this question. Euthanasia generally means to perform a deliberate action with explicit intention of ending the life of a person, without any selfish motive and purely out of empathy and compassion of the patient, suffering in an incurable disease and living a meaningless life.

We have found instances of willful death both in the history of Eastern and Western civilization of mankind. Nevertheless the issue of euthanasia gets prominence throughout the world since the second half of the last century owing to a number of social and legal developments. These includes the advent of modern medical technology and availability of artificial measures to prolong life; land mark court cases challenging laws criminalising euthanasia; the going elderly population, the increase of number of people affected by HIV/AIDS, and the declining influence of organised religion. Euthanasia as an act of ending life of a terminal person is a debatable as well as a sensitive issue in the world. Except few, most of the nations still confront with the socio-moral impact of euthanasia. The law commission of India in its 196th REPORT ON MEDICAL TREATMENT TO TERMINALLY ILL PATIENTS (PROTECTION OF PATIENTS AND MEDICAL PRACTITIONERS) MARCH, 2006,¹ recommends passive euthanasia as the means of right to die for terminally ill patients with detail discussion and analysis of recent developments on this issue. The Government of India expressing reservation on the report turned down its recommendation. The debate over euthanasia for terminally ill patients revisits in India after the Supreme Court verdict on 07 March, 2011, regarding the case of Aruna Ramchanda Shanbaug vs Union of India.² The highest court in its judgment rejected for certain reasons the plea to discontinue Aruna's life support but allowing passive euthanasia in rarest of rare cases setting strict legal and medical guidelines protecting it from plausible misuses. The apex court through its verdict actually favours the recommendation of 196th report of law commission and admits the right to die of terminally ill patients in the form of passive euthanasia. The minister of Law and Justice of India Mr. Veerappa Moily in his immediate reaction of this judgment admitted that there should have a law in India regarding euthanasia and called for serious debates over this issue. However, there was hardly any debate in the parliament over the issue of euthanasia. The right to life with dignity is one of the primary principles based on which proponents of euthanasia try to justify the act of hastening death of a terminal patient.

**Second Online Session of Society of Positive Philosophy and Interdisciplinary Studies
(SPPIS) Haryana
24th June, 2014**

<http://sppish2session.wordpress.com>

The same is also come under the purview of the 196th Law Commission report and the verdict of the Supreme Court of India.

When we speak of the right to life we do not speak of merely animal existence or vegetative existence but the existence with dignity. In order to live with dignity one should possess certain developed psychological qualities of self-consciousness, power of reasoning and the ability of making interpersonal relationships. Those who possess the qualities are recognized as *human persons* and those who unfortunately some or other reasons unable to possess the qualities are called *merely human*. *Personhood* becomes something that one acquires. It is only *persons* to which the right to life is applicable. The life of a *person* is intrinsically valuable and utmost care should be taken for its protection and preservation. The question of the right to die could not arise in case of a *person*. It is only in case of *merely human*, who are alive but do not possess the qualities of being a *person*, the question of right to die arises.³ A *merely human* is no one but the terminal patient who lives a vegetative life. Those who favour euthanasia argue that in a permanent vegetative state the life of a human is so beset with suffering, indignity or hardship that it ceases to be worth living. It is not worthy to prolongation of life in such a situation. Generally speaking, living with dignity signifies a life in which a person lives accordingly to the inherent value pattern of life conceived and designed by him. It excludes a life where a person becomes totally incapable of living like that or can live on only with the aid of other persons even for carrying on a normal existence. The time to exercise the right to die arrives when life becomes a dreadful event and it is no longer possible to live with dignity. Death is a final destination and it is the point of culmination of life. It is inevitable that every living being has to die one day. Those who understand the true character of life and death neither fear death nor try to escape from it. They accept it, welcome it and let it happen peacefully without any fruitless struggle. Death with dignity signifies an end which is easy, kind and peaceful, with the least amount of physical and psychological suffering. All pain and agony prior to death is psychosomatic and often causes such a deep emotional wound that the mind makes the final decision, mostly subconsciously, sometimes even consciously to let the flame of life get extinguished. The primary purpose of euthanasia is to save and relieve an individual from severe physical and psychological pain caused by incurable terminal illness. It has another purpose and

**Second Online Session of Society of Positive Philosophy and Interdisciplinary Studies
(SPPIS) Haryana
24th June, 2014**

<http://sppish2session.wordpress.com>

it is to relieve a person from a condition in which he becomes practically dead, but is deemed clinically alive.⁴

Euthanasia is not surrender but conquest of death. The true is that embracing death one actually conquers the fear exists in all human being concerning the stroke of death. As stated by F. Bacon in *The Essays on Death* “I do not believe that any man fears to be dead, what he fears is only the stroke of death”. Accepting euthanasia one proceeds to nullify the stroke of death and obtains as a result a peaceful and good death.⁵ A dignified death is also a significant part of dignified living. Proponents of euthanasia believes that just as the concept of life is incomplete without the concept of death, similarly without the concept of dignified living is incomplete without the concept of dignified death. It suggests that the right to life includes both the rights of dignified living and dignified death. In case of a terminal patient who is in severe physical and mental pain or is in a permanent vegetative state approving euthanasia would be the most humane solution. It relieves such unfortunate persons from indignified living and ensures a dignified death through an easy and peaceful way. Hence where medical science fails, euthanasia is the most justifiable means from the perspective of the right to life.

The above argument in favour of euthanasia seems convincing and humane at first glance but it has inner weaknesses. The argument involves a misconception. The concept of living with dignity in that argument wrongly equates with that of the dignity of a life. A dignified living and the dignity of a life are two different and independent conceptions. The former is relative. It depends on the physical world and a person’s own desires of material pleasure. And so it varies to different persons and to different situations. The latter on the other hand is absolute. Human life is intrinsically valuable. The value of a life neither increases nor decreases in any circumstances. The significance of a human life for not being affected by any internal or external matters entails its unconditional supremacy and sanctity. It is thought that bread, clothes and home are three basic elements that a person needs to live with dignity. Those who secure the three basic needs are said to live a dignified life. Nevertheless, there are numbers of person live in our society who is deprived of these three basic requirements. They are homeless, live in pavement with malnutrition and not having sufficient clothes. There is no doubt in it that such a

**Second Online Session of Society of Positive Philosophy and Interdisciplinary Studies
(SPPIS) Haryana
24th June, 2014**

<http://sppish2session.wordpress.com>

kind of living is indignified in all respects. But it does not mean that such a distressful living makes their life worthless. The dignity of life of those unfortunate people is no less inferior in any sense than those who are fortunate. The same is true for those who once live with dignity but at present owing to affecting by terminal illness lives a vegetative life. It is nonsense to assert in such cases that before affecting incurable illness the life of them are worthy but now the life losses all its significance. The value of life remains unchanged whether it is the life of a healthy person or a life of an illness one. The dignity of life does not vary in either occasion. It points out that the question of the right to die could not arise at all on the ground of the dignity of life. The right to life actually speaks of the sanctity of life. That is why each and every human by birth is entitled to enjoy the right irrespective of circumstances. The act of hastening death to a terminal ill patient in the name of euthanasia practically hurts the right to life of that person instead of protecting it. It regards euthanasia as an act of cruelty rather than a compassionate one.

Moreover, in the above argument in favour of euthanasia the act of hastening death is recognized as a dignified end of life. The fact is that it is not possible to anyone to help one to death with dignity. What one can do most is to minimize the indignity of death. Indignity conveys the idea of an affront. Hence, a death without indignity would be one in which no affronts occur. Ignoring the ability of rationality or power of reasoning of a man is an affront. In such a case we affront one's dignity by failing to acknowledge him/her as an individual; instead treating them as an object or an animal. For example, if one is euthanized without consent ("involuntary euthanasia"), this would look like an affront to someone's dignity (even if he would have chosen that option had it been offered); it looks as though one has "put someone down" like an animal.⁶ Not all cases of affronts to human dignity, a human agent play the key role. There are cases where inflicting disease takes away an individual's ability to reason which might also be considered as an affront to human dignity. A death without indignity will be one in which these types of affront do not occur. Inflicting indignity on others is a moral failure, a failure to recognise their human dignity; it does not remove their dignity either in its minimal or fullest sense. If someone is subject to involuntary euthanasia, or lied to about his diagnosis, then he is wronged, affronted; but he may still live his life, and die his death, with (greater or lesser) dignity in the face of that indignity.

**Second Online Session of Society of Positive Philosophy and Interdisciplinary Studies
(SPPIS) Haryana
24th June, 2014**

<http://sppish2session.wordpress.com>

Christ (and other martyrs) suffered great indignities but died with dignity. Mohammed Ali is sometimes praised for the dignity with which he faces his Parkinson's disease. The dignity of one's death depends on his personal qualities irrespective of circumstances in which he dies. Dignity is something that is achieved through live virtuously. Someone who lives a good life will die in that way. Health care professionals cannot ensure the death with dignity. What they can most is to help one to die without indignity or to minimize the indignity of a dying patient. Controlling pain of a dying patient is an example. In the conception of death with dignity, the term "death" stands for the process of dying, and the term "dignity" has been taken to apply virtuous way of living. It signifies that dignity is a function of someone's personal qualities and that a death with dignity is a personal achievement. It is not something that can be conferred by others, such as health care professionals. It points out that there is no logical connection between euthanasia and the death with dignity.

We may thus conclude from the above discussion that in the true sense of the right to life it is unjustifiable to approve euthanasia.

References:

1. Government of India, Law Commission of India, Humanization and Decriminalization of Attempt to Suicide, Report No. 210, October, 2008, lawcommissionofindia.nic.in/reports.
2. Reportable, in The Supreme Court of India, WRIT PETITION (CRIMINAL) NO. 115 OF 2009, Aruna Ramchandra Shanbaug .. Petitioner -versus- Union of India and others ..Respondents, J U D G M E N T, courtverdict.com/index.php
3. Robinson. P. H, Euthanasia And Assisted Suicide (Revised edition), The Linacre Centre & CTC, 2008, P: 25-27 & Grayling. A.C, Right to die, BMJ, Vol. 330, April, 2005, P: 799.
4. Swarup.H, Who Owns Your Life?, Macmillan India Ltd., 2009, P: 10-15.
5. Ibid. & The Oregon Death with Dignity Act, December, 2008, <https://public.health.oregon.gov>
6. Allmark. P, Death with Dignity, Journal of Medical Ethics, Vol. 28, 2002, P: 255-257.