

Euthanasia: Should it be Lawful or Otherwise?

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The present case pivots two interrelated constructs, associated with the concept of life, namely (i) the aggregation of systems supporting biological form of life and (ii) perceived collective utility (like societal value) of life. Life, by biological definition, is an active (e.g. metabolism) and reactive (e.g. irritability) phenomena (Koshland, 2002) which is subjected to relative *environmental munificence* for sustenance of its present form. Thus life subsumes adaptability and hence the question of relative munificence. Life here is generic and exists without human interventions. This definition of life is at variance to Cartesian Philosophy (Descartes, 1644) (*Cogito ergo sum*) that puts a premium on activity (e.g. thinking) to determine life and therefore, in turn, emphasizes on and leads to the utilitarian aspects of life. Life for Descartes is specific; it exists with or for a purpose or a utility and hence is prone to human interventions. The present case is unique in the sense that it portrays the confrontation and a possible reconciliation between the biological and the utilitarian aspect of life.

The case describes a heinous crime perpetrated against a nurse, Aruna Ramchandra Shanbaug, which left her in a persistent vegetative state (PVS) for 37 years at King Edward Memorial (KEM) Hospital. Over the years, her blood relatives deserted her but she was taken care of by the inmates of the Hospital. Subsequently a noted social activist Ms. Pinki Virani, filed an original writ to the Supreme Court, seeking Euthanasia or Mercy Killing to end her perceived miserable existence. It may be noted that the appellant was in no way related by blood to the patient, and in all likelihood, would not financially benefit from her appeal. The appeal was contested by the authorities and inmates of KEM hospital who conveyed to the court their emotional attachment to the patient. And every new batch was initiated to caring for her in an effort to institutionally perpetuate mutual sharing of responsibilities and strengthening of support system like workplace security.

The primary decision maker, in this case, the Supreme Court of India, admitted this case on the ground of its originality and novelty. The issues before the Court, stemming out of the case, exceeded the instant requirements. The Court had to deliberate on the fundamental question of fixing the onus of critical decisions for collective utility given (i) an evolving society replete with its moral limitations and (ii) the limitations and the evolving prospects of medical science. In short, who is/ are best positioned, legally, to take crucial decisions on behalf of Aruna and is it worth incurring the cost of supporting her given that in future a cure may or may not be developed.

Table I (Matrix of Euthanasia Cases)

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|-----------------------------------|--|---|
| Active Intervention by the State | Quadrant 1 Legally Sanctioned and Practiced in Other Countries | Quadrant 2 Execution of infirm Pets and Criminals |
| Passive Intervention by the State | Quadrant 3 Jain Philosophy of Death by Starvation | Quadrant 4 The Present Case |
| | Voluntary Euthanasia | Involuntary Euthanasia |

The Supreme Court, citing precedence and with the help of subject experts, disposed the case in favour of the KEM Hospital authorities. The logic behind the judgment can be understood using a 2 x 2 matrix given in Table (1).

Using the matrix with respect to euthanasia, it is apparent that any actions in Quadrant 1 entails well defined set of actions consistent with the law of land. Quadrant 2 is applicable to lesser mortals like infirm pet dogs and horses or even criminals punishable by death and where a lethal instrument is administered to lessen collective burden. Quadrant 3 is sanctioned in some religion like Jainism where the respective society, after prolonged experimentation at the society/community level had identified the societal utility and hence allowed the same. However, with respect to Quadrant 4, scholarship and intelligentsia have not had the prior exposure to determine the accruable cost and benefit at the societal level. The present case falls in this quadrant and hence, to simplify, the opponents of euthanasia, obtained the benefit of doubt from the court, given the question of life and death and possibly the prospect of future cure.

To its credit, the court did attempt to deliberate on the question of life as it exists and the utility that can be derived from it. The court did determine, through the panel of experts, that Aruna is alive biologically. The court also heard that the life, Aruna is currently leading, is at abeyance to the Spartan philosophy of life which stress on vitality. The court also found that Aruna has been deserted by her blood relatives and the petitioner's concern is as much emotional as that of the opponents and who was probably moved by her vegetative state which is at loggerheads with Cartesian form of Humanity. However, the Court probably found a linkage between a vegetative life form and collective utility; Aruna is possibly a living reminder to the human need to support each other collectively, so that incidences of risks and dissonances can be minimized to the utility and benefit of the collective.

Reference

- Descartes, R. (1644). *Les Principes de la philosophie*. Miller, V. R. and R. P., trans., 1983. *Principles of Philosophy*. Reidel.
- Koshland, D. E. Jr. (2002). The seven pillars of life. *Science*, 295 (5563), pp. 2215-2216.

Author's Profile

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