Assisted Death and the Right to Die

Mains: *GS IV - Ethics*

Why in News?

Recently, Actress Ruth Posner and her husband Michael, both in their late 90s, died at a suicide clinic in Switzerland which has renewed the polarising debate on assisted death, at the heart which is the idea of suffering.

What is assisted death?

- **Assisted death** – It is a broad term for providing means for a person to end their life.
- **Types** – It is differentiated into voluntary active euthanasia and physician assisted suicide.
- The fundamental difference between the two lies in who performs the final life-ending act.
- **Voluntary active euthanasia** – It is when the doctor, with consent from the patient, commits the final act.
- **Physician-assisted suicide** – The physician provides the means (like a lethal prescription) for the patient to self-administer, with the patient performing the final act themselves.
- Both practices occur at the request of a competent, suffering patient and involve physician involvement to end their life.

What are the arguments in favour of assisted death?

- **Ruth posner's mail** – She sent a mail to her family and friends before committing suicide and stated that "There came a point when failing senses, of sight and hearing and lack of energy was not living but existing that no care would improve.
- Many people support this is as the standard justification for assisted death.
- **Plato's stance** – Greek philosopher Plato (c. 4th century BCE) in The Republic stated that those living with illness, who were not physically healthy, should be left to die.
- The idea is that at some point of time, suffering makes life not worth living that a life without dignity is not worth living.
- In such an instance, an individual should be able to exercise her agency to die.
- **The Idea of agency** – Anthropologists and sociologists broadly define agency as "the socio-culturally mediated capacity to act".
- While in everyday parlance, the idea of agency often evokes an image of a "human actor whose intentional actions should produce the intended effects."
- These effects are often constrained by external factors beyond any one person's

control.
- This cannot be said, however, about dying.
- **Absence of mediating situations** – While the decision to die may be socio-culturally mediated (*more on that later*), the finality of death means that there are no mediating circumstances that influence the effects of one's actions.
- This makes dying of one's own decision the ultimate act of individual autonomy.
- **Fear of losing autonomy** – This is particularly important because multiple surveys have shown that the fear of losing autonomy at the end of life is the primary rationale for most geriatrics seeking assisted death.
- Assisted dying is essentially an act of taking back control.

What are the arguments against the assisted death?

- **Not an autonomy** – Critics argue that assisted dying is not an act of autonomy because there is no autonomy without life.
- **Corruption of dignity** – Assisted dying arises from a dignity that has a shape that corrupts itself.
- In the process of promoting the person's choice, it removes the very basis for doing this.
- **Influences other people** – Moreover, the rise of assisted dying in society creates a self-fulfilling cycle, and generates forces that influence people and reinforce its usage.
- This fundamentally undermines the autonomy argument.
- **Lacks definitional clarity –** Critics also argue that the idea of suffering lacks definitional clarity, opening a can of worms that can eat away at the heart of the social fabric.
    - **For instance**, The Posners, did not have any terminal illness; they simply felt their lives, with impaired senses and faculties, were not worth living.
- The same argument can also be made by a teenager who is suicidal due to pressures in school, or new mothers suffering from post-partum depression.
- **Raised interrogation** – At what point, then, does suffering make it justifiable to make the choice to die?
- If this choice were to be absolute, then all suicide would be justifiable.
- What does such a world look like?
- At the end of the day, a core function of ethics is to shape stable, just world.
- **Potential for misuse** – The fear is that a nebulous concept like suffering being justification for death can be misused by oppressive forces.
- After all, Adolf Hitler sent the disabled to death camps on the basis of the argument that their lives "were not worth living".

What are the Safeguards and caveats in different countries?

- **Legality** – Assisted death remains illegal, even criminal, in most jurisdictions.
- Places that do allow assisted death often heavily regulate the practice.
- **UK** – The UK's Terminally Ill Adults (End of Life) Bill, 2024, only allows those above 18 years of age who are terminally ill to opt for assisted death.
- It explicitly excludes persons with disabilities and mental disorders, requires the patient to receive permission from a High Court judge, and has multiple "periods of

reflection" during which an individual can change her mind.
- The law also requires a person to be a resident of the UK for at least 12 months before filing an application.
- The UK law is considered to be among the strictest.
- **Switzerland** – It have loosened restrictions such to become destinations for "death tourism".
- Swiss laws do not have any residence caveat, the process for assisted dying is also much less tedious.
- **India** – In 2018, the Supreme Court of India held that the "right to die with dignity" formed a part of the right to life with dignity under Article 21 of the Constitution of India.
- It recognised the legality of "passive euthanasia".

Passive euthanasia *is the withdrawal of life support from terminally ill patients or patients in a "permanent vegetative state".*

- This not, however, assisted dying which requires a positive intervention to cause death.
- In India, concerns regarding misuse of such a law for the exploitation of the elderly by their families remains the primary impediment to an assisted dying law coming in any time soon.

What lies ahead?

- For proponents, suffering is the core justification for assisted death.
- For opponents, such a justification leads to a dangerous slippery slope.
- As one article in the conservative American journal *Nation Review* put it: "Once we decide that killing is an acceptable answer to suffering, the kind of suffering that qualifies us to be made dead continually expands."

Reference

[The Indian Express| Assisted Death and The Right to Die]

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