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Euthanasia – Free Choice or Manipulation?

Ph.D. Thesis Abstract

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ABSTRACT

Having become increasingly pressing along with the scientific and technical progress, especially with the medical one, as well as with the emphasizing individualism and pragmatic orientation of the contemporary man, the problem of euthanasia is not an easy research topic for multiple domains. This paper addresses the phenomenon of euthanasia with its adjacent problems – suffering, life and death – from a philosophical point of view, but also from a socio-legal angle, following the perspective of the secular ethical theories and the Christian Bioethics as well.

Since in the current context euthanasia involves premature stopping of a patient's life, when she bears significant pain, benefits from a reduced quality of life and whose soon death is imminent, we begin our work by recurring to a few names in the history of philosophy to get a better understanding of suffering and death.

The first section, dedicated to Antiquity, stops on Platonic and Epicurean texts, as well as on the Stoics (Zeno of Kition, Seneca, Marcus Aurelius). In terms of suffering, we detect the fact that the conceptions of the ancient thinkers had, first of all, a practical stake. Stoics, for example, call to

indifference towards suffering, explaining that it is not, in fact, but an error of representation. Anxiety, frustration, anger or other negative conditions experienced by a person when faced with a problem are consequences of the fact that the events are negatively valued. If facts were perceived as facts, and not as difficulties, they would cause suffering no more. Even when it comes to physical pain, albeit it cannot be removed by indifference, trying not to negatively charge it, or, at least, not allowing this negativity to overwhelm one, is an alternative at how suffering is usually perceived today – as an evil that must be removed at all costs. Epicureans, whose conception of man and the world has in its centre the idea that pleasure – not understood in an exaggerated, grotesque sense, but proportionate to the needs of man – is the goal of every individual, also accepts that pain or suffering, although are generally to be avoided, might be preferable in certain circumstances, insofar as they contribute to a greater good. They urge for assumption of a conscious attitude, not absorbed in what is perishing. Regarding death, ancient philosophers' opinions vary widely, although they share the idea that man must live being aware of his mortality. Divergence first start from the metaphysical conceptions adopted. On the one hand, Socrates relies on the idea that man has a dual nature – body

and soul – and parts from the assumption that the soul, unlike the body, is immortal. Thus, death is a release from the prison of the soul which is the body. Under these premises, death must be rationally accepted, with serenity and peace. This idea could be used as an argument in favour of euthanasia: liberation of the soul from the body seems to be the right decision all the more when the body is degraded and has no chance of recovery. However, this interpretation is inconsistent with the Socratic philosophy, which relies on the idea that moral integrity should be the goal of human life. The choice of death when confronted with suffering would be a coward one, which would compromise precisely this integrity. What is more, such a decision would not please the gods, an essential aspect for Socrates, who prefers to accept even the Athenians' conviction to death but to flee into exile from the citadel in which he could be in a relationship with the gods.

On the other hand, Epicureans and Stoics are more reserved concerning the assumptions about what follows after death. Maybe this is why they have a more permissive position regarding the deliberate interruption of life when one is faced with a suffering that cannot be exceeded. Nevertheless, not only Epicurus, but also Seneca and Marcus Aurelius, regard with the utmost seriousness human finitude. Whether they

equate death to passing away, like Epicurus does, or admit the transition to a different kind of existence, as Seneca believes, Hellenistic thinkers seek to be as lucid as possible towards this inevitable event, stressing that fear when facing death is irrational. Man must perceive death as an inevitable fact and understand his life keeping in mind the certainty of its end. The important thing is how we relate to death, and not the event in itself. That's why running towards death is not a solution. Only meditation on death brings about a better self-understanding.

The second chapter focuses on the writings of Søren Kierkegaard. His approach differs from that of the ancient philosophers in that it is marked by Christian beliefs. It is precisely this Christian framework that offers the Danish philosopher the possibility to relate to suffering and death in a positive manner. It proposes harnessing suffering by discovering its probative potential. Suffering is what helps man to discover himself as a being created by God, who is submitted to Him and who finds his own meaning precisely in the relationship with Him. Suffering is not a burden but an experience that determines human identity, an inherent aspect of the human condition. Death is not, therefore, the answer to terrible suffering. Man's relationship with God and the

possibility of salvation and of becoming immortal are crucial in the Kierkegaardian perspective over death.

For Kierkegaard, death should not be looked for, but nor should it be ignored. The thought of death is an act by which man exercises his freedom. Fleeing death, refusing to think about the end are inappropriate ways in which man relates to his own death. Highlighting the link between man and divinity, offering the chance of salvation, death is not the end for man, but an important step in the path we need to follow to get closer to God. However, meditation on death is meant to give impetus to life and not vice versa. Seeing the end of the life in this world as an escape is a proof of a misunderstanding of the spiritualization to which man must turn its efforts to.

In the third chapter, we focus on Martin Heidegger's texts on death. Heidegger analysis of death is similar to the Kierkegaardian one, despite the fact that the German philosopher avoids grounding his thinking on metaphysical prejudices such as the belief in the existence of the soul or of the afterlife. Death is analyzed in an attempt to provide the most appropriate version of understanding regarding the human being. The ontological research does not claim to have a practical stake. The philosopher does not intend to provide

advice on the correct attitude towards death. However, he stresses that man cannot understand himself authentically but by referring all the time to one of his fundamental structures – mortality or the fact-of-being-towards-death. Unlike ancient thinkers, the German phenomenologist believes that serenity or rational indifference towards death are superficial ways of reference, the anguish being the state in which the Dasein becomes aware of the possibility of not being anymore. The fact of *being* is revealed to man through death and thus, he is given the possibility to project a purpose in his life. This is the main idea that's worth bearing in mind in the debate on euthanasia: whether he is indifferent, whether he perceives mortality with anguish, man can value his own finitude, giving meaning to life because of it. When choosing death because he believes he does not have dignity anymore or because suffering is unbearable, man judges the existence parting from external, contingent factors, perhaps even culturally and historically determined ones, and not from the mortality that fundamentally characterizes him.

The second chapter - *Euthanasia in the Contemporary World – the Conceptual and Legal Framework* – focuses on the definitions and classifications of euthanasia proposed by contemporary specialists. Firstly, what can be noticed is that

there is no universal definition of euthanasia. On the one hand, euthanasia is differently defined depending on the position of the person assigned to explain it: campaigners in favour of its acceptance resort to words like "liberation", while opponents are not at all reluctant to simply call it "murder". On the other hand, the very actions that fall within the extension of this word are not always clear.

In most cases, euthanasia is explained as an action through which the life of a hopelessly sick patient, who bears great suffering, is interrupted at their request. But often acts like stopping a treatment, with or without the patient's acceptance, or even administering treatments aimed at relieving pain, but which shorten life as a side effect, are considered to be euthanasia as well.

The classifications proposed in the specialized literature clarify to some extent uncertainties concerning the definition of euthanasia. Thus, distinctions are made between active and passive euthanasia, between giving a lethal dose of medication, with the purpose of life disruption, and refraining from actions that may prolong life, but also suffering, the patient having no chance of improvement. Likewise, some authors, and also European laws in force, emphasize the distinction between euthanasia and assisted suicide. In the second case, the doctor

in only the person who supplies the means by which death can be caused, the patient himself being the one who induces it. From a different point of view, voluntary euthanasia (which occurs at the patient's request), the non-voluntary one (which occurs when the patient cannot speak her mind) and the involuntary one (the case in which the patient's will is simply ignored) are treated separately.

Distinguishing between the types of euthanasia is important for at least three reasons. Firstly, the classifications made by researchers, as well as the debates regarding them, highlight various issues that are specific to each type of euthanasia, such as the problem of the free will or the question regarding human nature and what defines personhood. Secondly, the proposed categories don't bear the same degree of ethics admissibility. Passive euthanasia, for example, is often met with less reluctance than the active one. Although ethicists such as James Rachels believe that discrimination between action and omission is not, in fact, well-founded, many authors find it admissible to hasten death by stopping a treatment, keeping, however, a negative position towards the possibility of lethal dosing of substances in order to end life. Thirdly, establishing differences between the various actions that fall into the category of euthanasia is important because

they are not legally equivalent. For example, if voluntary euthanasia is accepted in countries like the Netherlands or Belgium, the involuntary one is universally condemned.

Legalizing euthanasia is the subject of the second half of this chapter. The analysis aims, on the one hand, to identify the conditions that favoured the acceptance of euthanasia in Western countries and, on the other hand, the problematic aspects of these laws. With the help of sociologists specialized in law, various factors which have made possible the acceptance of euthanasia in some Western European countries can be identified. These include the scientific and technical progress, especially in the medical field, the development of a growing individualism, but also the transformation of death into a profane event. What should be noticed regarding these issues is that certain historical and cultural circumstances have determined the possibility of bringing into question this option.

Some ideas formulated by Michel Foucault, Giorgio Agamben and Hans-Georg Gadamer prove relevant in this respect, even if, in their original context, they do not refer directly to the issue of euthanasia. First, it could be argued that even treating euthanasia as a matter of political and legal interest is a manifestation of the bio-power, which intervenes in the life of the individual to the point of becoming a factor

that can allow, or not, his death. Euthanasia seems to gradually turn into a form of institutionalization of death. Then, the way in which the state regulates euthanasia is characterized by a pronounced medical character. From this point of view, even if, ultimately, the whole issue is raised on behalf of seriously ill persons, and is therefore, by its very nature, a medical one, the Foucauldian analysis on the medicalization of society opens a new perspective on euthanasia. In this respect, among the most important aspects that can be highlighted, as Giorgio Agamben does, is the fact that man is no longer treated in contemporary society in all his magnitude, but rather reduced to his biological dimension.

In more general terms, it is noted that the regulation of euthanasia and the way in which the issue is generally debated reflects a mentality that is representative for the contemporary world, which is dominated by the ideal of scientific objectivity, by a constant striving for the efficiency which characterizes technology and by a sort of pragmatism that often misses the spiritual side of man. Hans-Georg Gadamer can provide support in understanding this phenomenon, as well as the criticism that can be raised and the risks that are assumed when supporting exaggerated expectations from scientists and experts. Hereby, for example, medical prognosis that would

have a very important role in the decision of requesting euthanasia cannot be understood as a final word, fallibility affecting not only the most skilled specialists, but science in itself. Moreover, statistics often used in debates on euthanasia, but also in establishing opportunities for improving patients cannot be regarded without restraint. Such data are not only subject to fallibility, but also among the most widely used and most effective means of manipulation. From this perspective, it is easy to see that the current orientation towards euthanasia is strongly influenced by certain prejudices specific to our time, by certain conceptions concerning man and the world, and that the insistence with which the opponents of euthanasia draw attention to the risk of manipulation does not lack a basis.

Once the questionable aspects of the way in which euthanasia is regulated in Western countries have been understood, it is still necessary to deepen the subject from an ethical perspective. The first part of the third chapter – *Ethical Debates on Euthanasia* – focuses on three moral theories that influence the current conceptions related to euthanasia: consequentialism, Kantian ethics and virtue ethics. These types of ethical approach are often found in scientific debates on euthanasia. To adequately perceive how they are applied,

however, an understanding of their general principles is required.

Within the consequentialist theory, morality is seen as the concern related to the production of experiences or states of affairs desirable or valuable. These would be human happiness, well-being and the satisfaction of desires. Human actions are morally evaluated according to their tendency to promote these objectives, the correct action being the one which, of all the possible alternatives for an agent, maximizes these valuable consequences for all people affected. Facts are analyzed according to their consequences or the anticipated effects. Therefore, this ethical perspective allows, in certain cases, justification of negative actions, counting on the positive things that may result in the future.

Among the advantages of the consequentialist theory is the fact that it takes into account the ambivalence and the diversity of moral dilemmas. However, consequentialism is also objectionable from multiple points of view. First, the fact that actions are relevant only in terms of purpose makes the notions of right and wrong to become relative. Moreover, this type of judgment is one-sided, not always being clear if a conclusion can be reached by analyzing only its consequences. Whether it is about theories based on welfare and preferences

or whether we use theoretical variations, based on the idea of need or knowledgeable desire, it will most often be necessary to create a scale of values which are not volatile.

Another type of ethical orientation that dominates the contemporary debates is Kantian ethics. According to this theory, the consequences of actions are almost irrelevant, the reason why they are taken being fundamental. According to Kantian ethics, the deeds determined by the sense of duty are the only morally correct. Acting according to a sense of duty means acting independently, and not because of personal inclinations, emotions or feelings. Intentions should always be dictated by reason and be in compliance with universal moral principles. The foundation of deontologism is, therefore, the categorical imperative. In this respect Kant proposes the duty to treat others as ends in themselves rather than means as a universal principle.

The concepts of justice, good, freedom and virtue are closely related within deontologism: virtue implies freedom to choose goals that are consistent with the principle of duty; the multitude of possible duties, depending on which moral laws can be approximated, represent the good, while justice is the perfect duty that cannot be ignored by reason. If law imposes many limitations, a doctrine of virtue makes it possible to

design freedom. The pursuit of perfection by means of imperfect actions is the only way in which man escapes causal determinism and can practice freedom.

Kantian ethics is not immune to criticism, the main objection referring to the fact that it is focused on the idea of the right action without giving any importance to the nature of the agent. Just as consequentialism, deontology is accused of not taking into account the human factor, its nature and character. Not the same can be said about the ethics of virtue. From the perspective of this theory, moral action must be closely linked to the moral character of the person who undertakes it. Our actions are relevant to the extent to which we are willing to embody certain values. For Aristotle, man develops himself by committing virtuous deeds necessary to achieve eudaimonia. Acquiring a practical wisdom – phronesis – rather than adhering to a set of moral laws is the essential issue.

In connection with the Aristotelian theory, the posterity noticed that reaching an inside balance makes sense for an individual, but its impact on society is uncertain. For this reason, attempts were made to adapt virtue ethics from the perspective of society. David Hume, for instance, defines virtuous acts through the concept of utility and emphasizes that

benevolence and compassion mark the relationships between human beings. The contemporary author Alasdair MacIntyre proposes another option, which seeks to reintegrate the self and his purposes. He stresses the importance of tradition and social virtues, promoting communitarianism. The link between social and personal coherence depends on the social context. The virtue is the recognition of a practice that leads us to strive towards excellence, by combining the narrative self with the communitarian tradition. The main problematic aspect of such an approach is that it does not analyze the direct practical consequences of actions.

The second part of chapter three initiates an application of the exposed theories on euthanasia. Thus, for instance, we approached again the difference between active and passive euthanasia from a consequentialist perspective, noticing that, ethically speaking, they do not occupy different levels. Ethicist James Rachels brings serious arguments in this regard, stating that neither the moral justification, nor the ethical conviction of voluntary euthanasia can be applied differently just because of the way in which the action is carried out – actively or passively. Non-voluntary euthanasia for people in a vegetative state is another subject that led to complex ethical debates. Arguments in favour of euthanasia in such cases are mostly

based on the idea that the biographical life of a person in such a situation is irretrievably gone, while the individual continues to suffer. The main fear expressed by militants against euthanasia is, however, that the acceptance of non-voluntary euthanasia in such situations would create a favourable climate for abuses and paves the way for the acceptance of involuntary euthanasia. In response to these concerns, various regulatory principles by which abuses could be minimized have been proposed. Nevertheless, their functionality doesn't convince everybody.

In the third part of this chapter we stopped on the current debate related to the relationship between the morality and the legality of euthanasia. The authors who have been quoted in this context rather stood up by their position against euthanasia: such actions should remain prohibited and penalized accordingly. However, one of them, Emily Jackson, proposes a compromise solution. Since nobody can be forced to bear suffering, freedom of choice being affected if the law prohibits euthanasia, an admissive option would be its decriminalization, which would not be a form of legalization, but tolerance. This option would involve developing a certain degree of permissiveness towards euthanasia, by decriminalizing certain types of actions. Such an attempt

would include regulating actions which are taken in medical practice anyway, reducing the risk of abuse and further improving their moral character.

Another option in dealing with the ethics of euthanasia is the Christian approach, widely treated in the fourth and final chapter of this paper – *Euthanasia in Terms of Christian Bioethics*. The manner in which Christianity raises the question of euthanasia can be properly perceived only if the Christian metaphysical is explained. The status of the human as a created being, his role in the world, the possibility of salvation and the existence of an after-world, as well as the existence of God, are some of the assumptions that determine the direction of Christian ethics and Christian authors' position regarding suffering, death or euthanasia. As it has already been noticed in Kierkegaard's texts, within Christian thinking, man is primarily seen in relation to God. Condemned to a fallen condition, man remains however a free being, who, nevertheless, is not deprived of a scale of values, of a possible spiritual guidance, but who is given the opportunity to evolve and be saved. Suffering and death are part of the experiences that give meaning to life and make redemption possible.

In this context, the arguments pro euthanasia that are based on the senselessness of suffering and on the fact that a

sick person loses her dignity, are no longer founded. Heavy tests are positively valued and the value of man and his life is understood as an intrinsic one, not determined by his abilities, or by the comfort at his disposal. Moreover, the dilemmas related to passive euthanasia in cases of people in a vegetative state, for example, receive a solution in the Christian assertions about extraordinary measures, which prove to be disproportionate when they are but a form of fierceness against the natural course of life instead of being a form of helping the other. Accepting death in cases where the actions taken would result only in artificially maintaining alive the body of a person who doesn't even have the conditions needed to communicate with the divinity is not considered to be euthanasia. This does not mean that Christian bioethics despises medical and technical progress or that it is against the human right to benefit from the scientific progress, but that it agrees with the rational decision of not acting bitterly.

In fact, the main values proposed by the Christian authors and the attitudes towards the sick and the dying that they consider appropriate are rather part of a general human decency than doctrinal. They do not suggest that we should try to convince the one who is suffering of the Christian beliefs' validity, but underline the importance of encouraging each

other to discover our own spirituality, in any of its forms. Furthermore, they stress the need to support the one who lives difficult times rather than easily agreeing to the possibility of ending the suffering at any cost. It is through this amiable understanding of the modern world and this genuine tolerance to each human being's right to manifest his convictions that the Christian ethical approach proves to be the best alternative when it comes to euthanasia.

The main objection that can be brought to the Christian approach is precisely that it is based on a belief system that is not widely accepted. Not every patient relates to suffering, to life and death according to the Christian conception. That is why a public decision on the legality of euthanasia cannot rely on this type of thinking. Neither the political principles guiding nowadays society, nor Christian beliefs allow us to reject the right to think freely and choose for himself to the man next to us. These are fundamental human rights that cannot be violated as long as their prosecution doesn't defy the same rights of others.

The conclusions of this paper attempt to provide an answer to this problem, using the idea of decriminalization supported by Emily Jackson. The most suitable version for the European society nowadays seems to be finding a form of

regulation through which euthanasia is not legalized – which would provide it with a status of an officially accepted option, bringing about the risk of gradually receiving the status of a preferable option – but neither criminalized. We believe that the distinction between decriminalization and legalization of euthanasia is substantial, the first being the only one admissible, not under the form of definitive laws, but as regulations that we can permanently discuss again, establish again.

Improving and multiplying the means of medical, psychological, legal, moral and even financial supporting for persons who encounter circumstances that could lead them to consider euthanasia as an option is also required. Furthermore, given that the European society seems to be ready to accept euthanasia as a solution in some cases, it becomes necessary to educate people in this regard, the opposition alone being unrealistic and impractical. But it is necessary to offer a real education and not one of propaganda, either pro, or against euthanasia. Our main concern is that people will become tempted to take such decisions without pondering too much upon all the aspects involved. Moreover, we also fear that, if not carefully discussed, euthanasia could become not a possibility, but normality. Education on euthanasia should be a

form of encouraging reflection on suffering, life and death, on man, his role in the world and his rights, but also his limits. Through a continuous dialogue, not only in the academic, but also in public space, we believe it would be appropriate to encourage a permanent exercise of awareness regarding what influences our decisions, the characteristics of the era to which we belong and the way in which we understand ourselves and others, all in all, regarding the manner in which we value our life.

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