



Euthanasia

Legal Controversy

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**Abstract**

Euthanasia is the practice of painless killing of a patient suffering from an incurable or painful disease. It encompasses a variety of different forms and practically performed through different approaches. Euthanasia is generally regarded as a crime in most of the world's jurisdictions. All persons have a right to life in accordance with the principles of natural law. Supporters and opponents of euthanasia are guided by its pros and cons respectively. On the other side, international laws concerning human rights emphasize the value of human life, considering the act of depriving a person from his or her life unethical. Statistical studies demonstrate a rise in the number of euthanasia occurrences. On the contrary, Lebanese laws strictly prohibit mercy killing.

This article discusses, briefly, the international and national legislation and religious beliefs that restrict certain states from legislating euthanasia, deems that it is an unresolved and contentious case worldwide.



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Introduction

The term *Euthanasia*, is derived from two Greek words, *eu* which stands for good or easy, and *thanatos* that points to death, that literally means easy or painless death. It is mainly known as “mercy killing”, “physician-assisted suicide” and “imposed death”.¹

Euthanasia is the process of ending a patient’s life in order to alleviate the patient’s pain.² This implies that whenever the patient’s state of health is hopeless that no cure could be afforded to reduce his suffering, euthanasia could be the only solution to limit his pain.

The House of Lords Select Committee on Medical Ethics has precisely defined euthanasia as “*A deliberate intervention undertaken with the express intention of ending a life, to relieve intractable suffering.*”³

Euthanasia’s genesis can be traced back to the 16th and 17th centuries, although it did not emerge as a socio-cultural issue until the 20th century.⁴ Samuel Williams proposed the first suggestions for deliberately ending a patient’s life with morphine and anesthetics in the middle to late 17th century. After Williams’ euthanasia concept was published, there was a great deal of upheaval, discussion and debate within the medical community.⁵ Institutions’ urge to legalize

¹ (American Life League, n.d.).

² (University of Missouri, n.d.).

³ (Harris, 2001).

⁴ (Tornali et al., 2012, pp. 2).

⁵ (Amos, 2006).



euthanasia has led governments and parliaments around the world to develop laws. Advocates of euthanasia say that in circumstances of terminal sickness, extending life will just results in unjustified distress for patients and their families, on the other hand, those who oppose euthanasia, highlighted many humanitarian and religious concerns in this area.⁶

Forms and Methodologies

Euthanasia encompasses a wide range of practices that branch out under its label. Basically, and shortly classified into active, passive, voluntary, non-voluntary and involuntary.⁷ Furthermore, different pharmaceuticals are used in small dosages in diagnosing, curing, and preventing diseases. However, these pharmaceuticals or drugs could lead to death, whenever they are used in very large amounts.

Forms of Euthanasia

An active euthanasia is a positive (+) direct activity intended to cause death through a fatal injection or an overdose by physician.⁸ Whereas, a passive euthanasia is considered as a negative (-) indirect action, triggering death by withdrawing some sort of assistance such as ceasing food and water and letting

⁶ Ibid.

⁷ (Clowes, 2020).

⁸ Ibid.



the patient to dehydrate or starve to death, in addition to not performing CPR (cardio-pulmonary resuscitation).⁹

Voluntary euthanasia is described as the deliberate killing of a patient. It is executed by someone legally entitled to do so, only at the conscious and rational request of the patient.¹⁰

As when a person is incoherent and therefore unable to choose between death and life, such as children at a very young age or someone with very limited intelligence, a non-voluntary euthanasia is performed on the behalf of someone who is contemplated suitable of taking such decision.¹¹

Involuntary euthanasia is known as killing a patient despite making the decision to live, and this considered as a murder.¹²

In short, euthanasia is classified into voluntary, non-voluntary, and involuntary based on whether a person provides enlightened consent or not.

Furthermore, it is possible to categorize voluntary, non-voluntary, and involuntary forms of euthanasia into active or passive.

How is Euthanasia performed?

The barbiturates, are class of medications that are most frequently used to end human life. They slow down the nervous system's and brain's activity. These

⁹ (Goel, 2008, pp. 2).

¹⁰ (Fleming, 2001, pp. 2).

¹¹ (BBC, n.d.).

¹² Ibid.



pharmaceuticals which are prescribed in modest quantities, can be taken momentarily to treat seizures or insomnia. On the other hand, barbiturates have a deadly overdose. A huge amount will actually cause the brain to become extremely slow that it quits signaling the body to maintain the respiratory system's function, which results in breath ceasing.¹³

Briefly, the patient is given a fatal dose of an appropriate drug by the accompanying physician to conduct euthanasia.

Legal Status and Religious Ideologies

More and more states now permit euthanasia, typically under very strict guidelines. Christian and Confucian states are among these states that support mercy killing, except Sharia states. Yet, religious beliefs affect so-called euthanasia in some other countries.

Legality of Euthanasia

Several legal amendments relating to euthanasia have had an impact on the global scene over the past 20 years. In reality, the ethical-legal discussion has focused heavily on this controversial matter for several years.

Countries including the Netherlands, Belgium and Luxembourg, permit euthanasia. The States of Oregon, Washington, and Montana are among those in the USA that have legalized active euthanasia. Conversely, because passive

¹³ (Chaar & Isaac, 2017).



euthanasia involves letting someone die peacefully rather than intentionally killing them, it is accepted as legal throughout all USA jurisdictions.¹⁴

Passive euthanasia is only permitted under certain conditions in countries including Spain, Sweden, England, Hungary and Norway. Furthermore, doctors who perform euthanasia are not submit to criminal or civil penalties, according to the Luxembourgian law, which was adopted in April 2009.¹⁵

The first euthanasia death took place in 2015, and Colombia was the first country in Latin America to decriminalize it in 1997. Additionally, in November 2017, the Australian State of Victoria passed the country's first law permitting voluntary euthanasia. Ever since, Tasmania, South Australia, and Western Australia have joined Victoria in legalizing euthanasia, and Queensland, one of Australia's most conservative states, being the sixth to permit voluntary euthanasia in September 2021. The Guardian reports that only people with chronic, incurable illness that inflict intolerable agony and are expected to kill them within a year will be eligible for voluntarily euthanasia.¹⁶ Active euthanasia is prohibited in the United Kingdom, Finland, Chile and India, however, passive euthanasia is legal. Moreover, euthanasia is strictly forbidden in Turkey, in accordance with Turkish Criminal Law's Article 84's stipulations.¹⁷

¹⁴ (Srivastava, 2014).

¹⁵ (Romano et al., 2021).

¹⁶ (Banerji, 2022).

¹⁷ Ibid.



Religious Views

To date, euthanasia is still a polarizing debate, for some oppose the idea of ending lives intentionally, invoking the concept that life is a gift from God, where respect is a must. Hence, even if an individual wishes to die, no one has the right to end their living, for whatever reason. Given that God formed humans in his likeness with a special purpose, human life has inherent dignity and worth.

Diverse religions expressed their own perspective concerning euthanasia;

Jesus Christ's life, teachings and wonders serve as the foundation of Christianity, a monotheistic faith. A substantial body of written material on religion, custom and ritual at the end-of-life has been produced as a result of evolution of Christian doctrine over the span of two millennia.¹⁸ Some Christians reject any attempt to shorten a person's life by anybody other than God because they think that human life is valuable and holy. Accordingly, euthanasia is prohibited among Christians.¹⁹

Islamic law does not acknowledge a person's right to choose death. Islam teaches that there is no active or passive deliberate involvement that can end life because life is a divine trust. Euthanasia is opposed by Islam for two main grounds: Euthanasia and suicide are not among the justifications for death since

¹⁸ (Warburton et al., 2018).

¹⁹ Ibid.



Islam upholds the sanctity of life. Nevertheless, God is the only who determines how long each of us will live.²⁰

Jewish tradition considers preserving human rights to be one of its highest moral goals and bans doing anything that could shorten life. Active euthanasia is prohibited under the Jewish Law and is viewed as a murder. No one is exempt from this law, and it does not matter if the individual in question desires to pass away.²¹

The Buddha's teachings place a strong emphasis on accepting death as a natural part of life and not clinging to it or having a craving to extend it. Buddhists, priests and their respective disciplines who believe in the restrictions of medical advancements are in conflict with the doctors who believe in the curative potential of modern technology medicine, notably in its interference with the processes of natural dying. Buddha taught that rituals should be performed at the end of life to help the dying person achieve a peaceful state of mind. Buddhism rejects euthanasia.²²

Confucian ethics is a system of moral principles that has had a significant impact on modern Chinese society. Confucianism only endorses using death to put an end to extreme suffering when the latter is physical rather than mental. Additionally, the suffering must be so severe that it inhibits the person from

²⁰ (Narimisa, 2014, pp. 1).

²¹ (Noe, 2017, pp. 6).

²² Ibid.



appreciating their moral worth, carrying out their commitments, or upholding moral standards. Confucian principles requires that doctors be sympathetic to their patients' suffering and do everything they can to bring relief, hence it is unlikely that Confucian ethics would always favor prolonging the patient's life despite their intolerable suffering.²³

Hindus believe in the reincarnation of the soul through several lives. They consider obtaining moksha,²⁴ or freedom from the cycle of birth and death, to be the ultimate goal of life. The non-violence ethic has an impact on Hinduism's euthanasia beliefs as well. An essential Hinduism principle known as Ahimsa²⁵ forbids Hindus from harming or causing violence against other living things. Hinduism teaches that euthanasia impedes the dead person's soul's progress toward liberation. Euthanasia thereby interferes with the timing of the rebirth and death cycle by causing death.²⁶

Religious principles and morals have been incorporated into both the historical development of legal rules and current society. Christian and Muslim doctrines have a very strong influence on civil law, constitutional law, even politics and economy in specific states. Islam, provides the first clear example. Sharia dictates the acceptable behavior for a sincere Muslim, it consists of

²³ (Li & Li, 2017, pp. 11-12).

²⁴ The fourth and ultimate *artha*, marks the end of the cycle of death and rebirth. It is accomplished by conquering ignorance and desires.

²⁵ Non-violence; concerned with the intention than the actual conduct. It is an attitude of all-encompassing kindness.

²⁶ (Premium Essays, 2019).



precepts, laws, and a moral philosophy.²⁷ Sharia is acknowledged as one of the sources of the law in Muslim countries where Islam is the official religion, where it is also prohibited to pass laws that are in contradiction to Islam. Among the countries whose governments derive their legality from Islam are Saudi Arabia, Kuwait, Bahrain, Yemen, and the United Arab Emirates.²⁸ Sharia states strictly forbid euthanasia.

Arguing for and against Euthanasia

Pro-euthanasia

1. Euthanasia would benefit desperately ill individuals by being made legal. Making them endure the immense pain would be cruel and unfair.²⁹
2. People should have the option to choose induced death if they have terminal diseases or are in situations where receiving appropriate therapy would not reduce their living standard.³⁰
3. Both the law and medical philosophy view it as unethical to maintain the support systems against the patient's wishes. Why should not the patient have the freedom to stop his or her medical care if doing so would allow him or her to avoid unbearable suffering?³¹

²⁷ (Akhverdiev & Ponomarev, 2018, pp. 1-4).

²⁸ (Johnson & Sergie, 2014, pp. 3).

²⁹ (Maisie, n.d., pp. 1).

³⁰ Ibid.

³¹ Ibid.



Contra-euthanasia

1. Doctors are unable to accurately forecast a patient's time of death or whether other cutting-edge treatment would result in recovery.³²
2. Issues with religion and ethics.
3. Slippery Slope³³ argumentation. Once any active voluntary euthanasia is allowed, we are on a slippery slope towards enabling other worse forms of euthanasia.³⁴

International Law and Euthanasia

- Article 3 of the Universal Declaration of Human Rights, 1948 stated that *“Everyone has the right to life, liberty, and security of person.”*³⁵

International law does not recognize a “right to die”. Any human rights documents’ common meaning does not imply the existence of such right. Contrarily, states are urged to preserve life in human rights standards.³⁶

- Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR) mentions *“Every human being has the inherent*

³² (Sarafis et al., 2012, pp. 4).

³³ A bad behavior that, once it starts, is likely to develop significantly worse.

³⁴ (Clark, 1998, pp. 1).

³⁵ Art. 3; [1948] Universal Declaration of Human Rights.

³⁶ (ADF International, 2016, pp. 1).



right to life. This right shall be protected by law. No one should be arbitrarily deprived of his life.”³⁷

- The 39th World Medical Assembly in Madrid, Spain, adopted a declaration on euthanasia in October 1987 stating, *“Euthanasia is the act of deliberately ending the life of a patient, even at the patient’s own request or at the request of close relatives, is unethical.”³⁸*

UN treaties do not include any mentioning of a “right to die” and these accords have not been interpreted in a way that has led to even the slightest bit of support regarding euthanasia.

- Article 2 of the European Charter of Fundamental Rights pointed out *“Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.”³⁹*
- Based on the above, the right to life is acknowledged in various human rights agreements.

³⁷ Art. 6; [1966] International Covenant on Civil and Political Rights.

³⁸ [1987] WMA Declaration on Euthanasia.

³⁹ Art. 2; [2000] The Charter of Fundamental Rights of the European Union.



Moral Theories – Utilitarianism and Deontology

In general, utilitarianism and deontology are the two moral theories that have been discussed and focused on within numerous philosophical justifications for and against accepting euthanasia. Both sides of the argument draw ideas from both theories to serve their own objectives.

According to utilitarianism, a course of action such as euthanasia, is essentially good or right if it generally has more positive repercussions than negative ones, maximizing the positive effects while minimizing the negative ones. Therefore, proponents of legalizing euthanasia claim that doing so will have the most positive effects on society overall because it will increase respect for the autonomy of patients who are dying and foster trust in medical professionals who care for terminally ill patients. Then, euthanasia will lessen the suffering of the patients who need it the most. Whereas, utilitarian opponents of euthanasia contend that legalizing it will put us on a slippery slope toward situations where involuntary euthanasia will eventually be practiced. Another utilitarian argument against legalizing euthanasia is that it will gradually reduce the value of human life, which could have further, unexpected societal repercussions.⁴⁰

The second moral theory, deontology, asserts that an action is good or bad other than the outcomes of the action. One deontological justification for euthanasia is that doctors have a duty to act in their patients' best interests. As a

⁴⁰ (Terry, 1995).



result, if patients decide that eliminating their pain from a fatal disease is what they would like to do, then the doctor has a duty to comply. Consequently, the doctor has improved the integrity of the medical profession by building a more trustworthy relationship with the patient as a result of acting in the best interests of the patient. On the contrary, there are also societal and professional deontological objections to euthanasia. The main social objection to euthanasia is based on the widely held belief that it is unethical to kill innocent people.⁴¹

Euthanasia is ethically wrong because it stand in contrast to the idea of being a doctor, according to the professional deontological argument against it. Participating in a technique that is not intended to restore health while relieving pain and suffering goes against the very essence of what it is to be a doctor. For this, it is wrong for doctors to engage in euthanasia.⁴²

Statistical Studies and National Legislation

Arithmetical studies show an increasing rate of euthanasia over the past years due to the states' latest legislation in this case. Despite of this, Lebanon has an opposing view towards mercy killing.

Statistics

The first year the law was put into effect, in 2002 there were 1,882 documented incidents of euthanasia in Netherlands. This figure increased to

⁴¹ Ibid.

⁴² Ibid.



4,188 by 2012, and it hit 6,091 instances in 2016. The number of euthanasia deaths had doubled after 10 years, and it had tripled after 15 years. In contrast, the Netherlands' population barely increased by 4% between 2002 and 2016.⁴³

In Belgium, the rate of euthanasia has climbed from 235 deaths annually in 2003 to 7 deaths daily in 2021. The most recent official figures from Belgium authorities show that over 27,000 people have died in Belgium through euthanasia since it was legalized on May 28, 2002, 20 years ago.⁴⁴

Euthanasia was reported of a rate of 80% in 2005 as opposed to 18% in 1990, 41% in 1995, and 54% in 2001. In the segment of euthanasia using prescribed medications as barbiturates and muscle relaxations, the reporting rate was 73% in 1995, 71% in 2001, and 99% in 2005. In 1995, 2001, and 2005, less than 3% of euthanasia cases involving non-recommended medicines such as opioids were reported.⁴⁵

Lebanon

Euthanasia is not lawful in Lebanon, thus if the prerequisites are met, it is seen as a crime that punishes the perpetrator, partner, instigator and intervention. The French text has been incorporated into Lebanese law, where Article 552 of the Lebanese Penal Code states that “*Whoever intentionally kills a person with a*

⁴³ (Alliance VITA, 2017).

⁴⁴ (ADF International, 2022).

⁴⁵ (Pasman, 2008).



*pity factor based on the urgency of the request shall be punished by ten years imprisonment at most.*⁴⁶

Although euthanasia was not specifically mentioned by that name in the Lebanese law, it was nonetheless referenced in other ways, the text of the Article 552 of the penalties contained the phrase “*Compassion Factor*” with an additional requirement represented by the patient’s own will and even the urgency of the request.⁴⁷

The Lebanese Code of Medical Ethics mentions within its Article 11(1) of the Law #240/2012 that “*If a Patient suffers from a disease from which there is no hope of recovery, the Physician’s mission shall be limited to reducing his/her physical and mental pains and giving him/her the appropriate treatments for protecting as much as possible his/her life. It is better not to have recourse to technical means and to excessive treatment upon the consent of the parents according to a joint report of the treating Physician and the Head of the concerned department. It remains necessary to help the patient until the end, in a matter that preserves the patient’s dignity.*”⁴⁸

Personal Opinion

From my perspective, euthanasia reduces social appreciation for the value of life, it is also against God’s will. No one has the right to end the life of any

⁴⁶ (Lebanese Army, 2011).

⁴⁷ Ibid.

⁴⁸ Art. 11; [2012/240] Lebanese Code of Medical Ethics.



person, for whatever reason, even the patient him/herself. God has given us our lives, we must therefore appreciate, preserve this grace and be satisfied with his wisdom. Life, is the most valuable gift God has given us, for this, it must not be treated as a matter of no importance. Moreover, no one can fully predict, even doctors, the patient's time of death, even in the worst health conditions, it is God's matter alone. Plus, the patient may suddenly heal by a miracle from God. I think no believer in God can support mercy killing, for God's mercy far outweighs man's mercy. Practically, euthanasia legalization may weaken the dedication of medical professionals to saving lives and will stifle efforts to find new cures for hopeless and incurable cases. Taking into account the health condition of the patient that prompts him to make incorrect decisions to limit his suffering, then, euthanasia might not be the patient's best desire.

Conclusion

Euthanasia appears to have sparked ideological dilemma in the public discourse. Morals and religious concerns are a few of the important considerations. Euthanasia, though, entails a considerable measure of uncertainty because there is no uniformity in how society views it. As a result, different social groups in the society have different opinions on the problem, since it is not universally regarded as morally accepted, which has led to the creation of the proponents and the opponents, and contributed to the current unprecedented ethical conundrum. The issue of euthanasia has always been the focus of



controversy, and with its legislation in various states, it will remain a humanitarian matter.



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