Controversies in Clinical Practice

Difference between Voluntary Active and Voluntary Passive Euthanasia: An ethico-legal perspective

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ABSTRACT

Death and Dying are an important part of the development process and especially death is an event that occurs at the end of the dying process. But the management of death is a controversial topic because efforts to postpone or hasten death have medical, legal and ethical ramifications. Euthanasia, the act of painlessly ending the lives of individuals who are suffering from an incurable disease, has always been considered illegal and immoral act, however, voluntary passive euthanasia may be considered moral. (Rawal Med J 2008;33:242-244).

Key Words: Euthanasia, death, dying.

INTRODUCTION

Birth and death both are natural events but the emotional impact of these events are very different. The word ‘euthanasia’ comes from Greek and originally meant’ a good or easy or happy death.¹ There are two types of
euthanasia; voluntary active euthanasia and voluntary passive euthanasia.

In voluntary active euthanasia, patient wishes to die and expresses this wish e.g. X says to his physician. “I don’t want to live. Give me a lethal injection.” This may entail doing something such as administering a lethal drug or using other means that cause the person’s death. In voluntary passive euthanasia, death comes about as a result of withholding treatment e.g. failing to administer some drug that is essential for the continuation of life. This may mean stopping or not starting some treatment, which allows the person to die.²

LEGALIZED EUTHANASIA

The cardinal argument against legalized euthanasia is that once voluntary euthanasia is legalized in a single country, people from neighbouring countries will take advantage of it and this idea will give birth to ‘euthanasia tourism.” As Prof. J. Gay, Williams writes; “Doctors and nurses, for the most part, are totally committed to saving lives. A life lost is, for them, almost a personal failure, an insult to their skills and knowledge. Euthanasia as a practice might well alter this.”³

Legalized voluntary euthanasia, in fact, violates historically accepted codes of medical ethics. Traditional medical ethical codes have never sanctioned euthanasia, even as request for compassionate motives. The Hippocratic Oath states; “I will neither give a deadly drug to anybody if asked for it, nor will I make a suggestion to this effect.”⁴ The World Medical Association, Declaration of Geneva, Physician’s Oath states; “I will maintain the utmost respect of human life from the time of conception even under treat. I will not use my medical knowledge contrary to the laws of humanity.”⁵
MORAL OUTLOOK OF EUTHANASIA

Apart from this, there are many plausible moral rationales against the legalization of euthanasia. Utilitarianism—an ethical theory which emphasizes the greatest happiness to the greatest number aims to act to provide maximum benefit. But, according to Utilitarianism, we cannot focus exclusively on the patient and, even if euthanasia would be in the best interest of the patient, it may be wrong because of the bad effect on the patient’s relatives. Deontology—a view that some kinds of actions are unconditionally prohibited where it may seem natural to assume that killing must be one of them. With respect to human beings, this doctrine is very strict and applies to all human beings, including fetuses and embryos, suicide and murder.

However, it is encouraging that euthanasia is still not legalized in many parts of the world including China, Japan, Russia and Ireland. The American College of Physicians states, “Even if legalized, such an action would violate the ethical standards of medical practice.

VOLUNTARY PASSIVE EUTHANASIA

Passive euthanasia refers to withholding or withdrawing certain treatment and letting a patient die. According to Patient’s Bill of Rights; “The patient has the right to refuse treatment as permitted by law and to be informed of the medical consequences of his action.” It is moral and not prohibited by law and it is lawful to accede to a competent patient’s wishes not to be treated. In recent years, many doctors have withdrawn or withheld life ‘prolonging treatment for their patients, at the request of the patient. In the United States, competent patients may not be forced to
undergo medical treatment against their will.\textsuperscript{13} The law reflects our society’s commitment to autonomy and to the fundamental importance of bodily integrity.

Voluntary passive euthanasia emphasizes on competence of patient and depends on patient’s ability to understand the options, ability to understand the relevant consequences of acting on the various options and ability to evaluate the costs and benefits of these consequences by relating them to a set of personal values and priorities. Apart from physicians, the psychiatrists play a significant role to determine the decisional capacity of the patient. A competent adult patient has the right to refuse medical treatment\textsuperscript{14} while incompetent patients have no legal right to refuse consent.\textsuperscript{15} When an incompetent patient does refuse treatment, the healthcare professional may have a duty to treat the patients against their will.

French law approves passive euthanasia\textsuperscript{16} and while Roman Catholic Church condemns suicide, it does permit its adherents to refuse care even if death results.\textsuperscript{17} Thus, refusal of treatment by a person is not equivalent to suicide because in refusal of care, persons do not take their lives rather they do not permit another to help them survive. We should keep in our mind that in refusal of care, death is caused by the progress of a lethal disease, which is not treated. Therefore, my point of view is that voluntary passive euthanasia is not murder or suicide.

**ISLAMIC VIEW**

Some Muslim Jurists recognize as legal a competent patient’s informed refusal of treatment or a living will which allows a person to die under circumstances in which there are no medical reason to continue treatment.\textsuperscript{18} But, there is a difference of opinion. The major fallacy, which they commit, in my opinion is that they use the word or
emphasize “all” types of euthanasia. My humble opinion is that all types of euthanasia are not forbidden, immoral or illegal. An Egyptian Islamic thinker Tarekal al–Bishry expressed his opinion saying “How long a person lives is solely determined by God and no one should interfere in this process of life and death.” On the other hand, it is said that if a number of medical experts determine that a patient is in a terminal condition and there is no hope for his/her recovery, then it could be permissible for them to stop the treatment.

CONCLUSION

Legalized voluntary active euthanasia will violate the rights of vulnerable patients and lead to a kind of moral corruption. It would undermine respect for life and would act as the opening wedge for non voluntary and involuntary euthanasia. Voluntary passive euthanasia is more feasible although, many prominent Muslim scholars do not favor or recommend this and equate this kind of euthanasia with suicide. As the voluntary passive euthanasia is not suicide and immoral, problem of further moral justification for this can be solved with the help of Ijtehad.

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