

## PHYSICIAN'S OBLIGATION TO HONOUR THE RIGHT TO DIE

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I came to know Prof. Ghosh in a seminar on *Krayakaranbada* in November 2000 organised by Sri Bhallabhacharya Trust at Baroda. Stalwarts in Indian philosophy like, Prof. N. S. R. Tatacharya, Prof. Dr. Prahaladachar, Prof. Siddheswar Bhatt, Dr. Baliram Shukla and Dr. Prabal Kumar Sen were present in that seminar. After a brief interaction with Prof. Ghosh I was impressed to know that he had visited foreign universities. My presence in that seminar was like an apprentice, trained in Western philosophy of language but curious to know what is going on in current research on Indian philosophy. Needless to say, I learned a great deal from these erudite scholars including Prof. Ghosh. They were not only profound in their scholarship, they were admirably humble, a similar trait that I had found in Prof. David Lewis whom I had met during my PhD research in the University of Rochester.

I met Prof. Ghosh second time in a seminar on *Swaraj, Culture and Education* sponsored by UGC, ICPR, at Assam University, Silchar, in 2010. There I could realize Prof. Ghosh's passion for Indian thought. I presented a paper entitled "The Logic of Swaraj, Culture and Education". Dr. Prasanjeet Biswas from NEHU was very critical of the title. He thought that the term 'logic' was inappropriate there. Immediately Prof. Ghosh came forward in my defense and told that it was not necessary to assume the meaning of the term 'logic' as it is assumed in Aristotelian and modern symbolic logic as the sole meaning of the word. The relation among the concepts which could be considered as logical in a broader sense of the term 'logical' is the core meaning of the term 'logic' which is present in the discussion of metaphysics, epistemology and logic both in Indian and western traditions.

For the third time I met Prof. Ghosh in his university, the University of North Bengal, March 2011. I was surprised. I had four more years to go (I will retire in 2015), but he looked younger than me! I could sense the vitality the department was showing partly came from his presence in the department. He usually carries a small bag that he can carry while going to a seminar. He does not bother about what to wear in a seminar. Generally, I have seen professors changing their clothes every day of a three day seminar. Prof. Ghosh reminds me of our ancient saints on pilgrimage; with scant belongings they moved from one place to another in search of knowledge and share their ideas.

Last time I saw Prof. Ghosh in my university In a workshop on *Methods and Ongoing debates in Philosophy*, in 2013. He was supposed to get down at Cuttack railway station around 5 am in the early morning. One of my students was waiting at the station. I got a call from my student that he could not find Prof. Ghosh and that his mobile sounds out of reach. I was concerned. After half an hour or so Prof. Ghosh called me and apologized for the inconvenience made. He had arrived at the Bhubaneswar railway station! The forgetful professor!! He told me that he will return back to Cuttack by a down train and that I should not worry. Since I was staying in Bhubaneswar, I went to the railway station. He was standing with that lone luggage, the carry bag that he could carry. I am glad that I met Prof. Ghosh.

The objective of the paper is to ascertain the moral permissibility of right to die under special cases and physician's obligation to honour it. There is such a right already recognised in the literature of philosophy and has been legally recognised by

some countries under euthanasia. Recently India has recognised the legality of passive euthanasia. I am, however, looking for a general right to die that covers other cases as well, especially the cases of older people who wish to discontinue their life.

Let us first see the compelling reasons for euthanasia. A terminally ill patient with no hope of recovery from ill health and no chance of leading a normal life again wishes for an end to her life. The state or its agencies assist her in fulfilling her legitimate wish. The state may have consequential or utilitarian reasons for such a decision to assist her die. What comes heavily in her favour is the respect for autonomy and recognition of a right to a life with dignity. The life with pain and suffering and dependency (living on a ventilator for example) considerably reduces the chances of leading a life with dignity. Here, the much emphasised principle of the sanctity of life, either secularly or divinely interpreted, loses its significance.

It is the right to a life with dignity, an offshoot of the principle of autonomy that I would appeal to in order to provide a justification for the right to die. When I speak of the right to die, I mean the right to a dignified death. Let us first see what constitutes a life with dignity before we speak about the features of a dignified death. The first and the foremost element is the ability to procure one's own food directly or indirectly, either harvesting it or getting it in exchange of service or money and able to take it. Possession of a reasonably good health of body and mind is another element. Freedom of movement and speech is the third one. The fourth is the Lack of prohibition on consensual sex. One may wonder how this could add to the dignity of life. Before rejecting it just think for a while what would be the condition of a person who is denied of a sex life. If a state prohibits all of its citizens from having sex with their legitimate partners, that would be an outrageous law. It is because the law infringes upon one of the vital needs of one's life. One also must have a desirable purpose in her life without which the life is like the life of an animal. There is nothing bad inherently in an animal life, but human life is more than just a life of living mechanically. It must have a sense, a purpose and a direction and a possibility to achieve that end.

If someone takes away these features of a good life, he will be blamed for taking away those. That shows the worthiness of those factors for a life with dignity. Now suppose that one who takes away these important dignified life elements is not a

person or a state but nature. Does that make the dignified life element less significant? If not, then those are the essential elements for a life with dignity. No one is allowed to infringe upon the right of a person to possess and hold such benefits. Every human being ought to possess it and those who are in a position to provide it ought to offer it.

A person who used to have such goods of a good life and loses those or anticipates that she would lose those goods will consider her life worthless without those goods. Anyone in her situation will have similar evaluation. Given the fact that people value their life in this way; will she be entitled to make a decision that her life be ceased in such a situation? Ought a physician assist her implementing that decision? The former not necessarily imply the latter. One may argue that lack of the good elements of a dignified life are good reasons, but they are not the compelling reasons for ceasing one's life, still less for assisting her cease her life. Why? First of all, one may argue that lack of dignity in life demands that dignity be restored; where that is not be possible, that does not necessarily imply an undignified life. Moreover, cessation of a life though leads to an end to the lack of dignity, life is lost with it. One is terminating the life itself. That makes the reason less compelling.

Such an argument is based on a presumption that life of any kind is worth living. This presumption needs to be questioned. Unconditional sanctity of life is a myth. Human life or any other kind of life is considered fundamentally valuable because it is thought to be God given or secularly understood it is given to us, it is a gift of nature. Since humans cannot give life, they cannot take it. This kind of reasoning assumes that those who give some thing have a moral right to take it back. But there is nothing special about the morality of this principle. This way talking suggest that one is different from her life and that it is like a property that can be owned and disposed off if she chooses do so and the argument is that since she is not the owner of her life, she is just a trustee of it , she cannot decide to cease it. Now accepting such a reading a counter argument is that if my life is given to me, I am taking the burden of carrying it and if carrying it is too much a burden for me, am I not entitled to decide whether to continue to carry the burden or forgo it? Do I not have a right to do so?

If someone has a right implies that someone else has an obligation to not to interfere with the exercises of that right. If her right is taken away, she is entitled to a restoration of that right or compensation for the permanent loss of that right. If the dignity of life is lost due to old age no one is responsible for that. Hence award of compensesation or restoration of right does not make sense here. Hence, right based approach to loss of dignity in life will not be much help here. In normal circumstances it is not permissible to force one to lead a life without dignity. But if life has no charm for me any more and I decide not to have that kind of life and I am not allowed to cease my existence, my principle of autonomy is infringed. My life is my own. I am the sole arbitrator of what I do with it as long as I do not infringe the rights of others while exercising that autonomy.

In case of old age, a person with extraordinary disability such as absence of goods of life mentioned earlier cannot be said to have lost the right to live with dignity due to infringement of that right by someone else. Right in the sense mentioned above does not make sense for we cannot hold nature for the lapse. So instead of looking at the issue as special case of right to life, it will be useful to look at it as an ideal situation for application of the principle of autonomy. This is a kind of umbrella right under which many other rights come in. The principle of autonomy may be understood as the right to self rule or self-determination. What is problematic is to claim that this right entitles one to decide for self elimination. It is important to note that the cessation of the self is not same as the cessation of the life. These kinds of cases that are under discussion involve disintegration of the self. The issue then is whether a person with disintegrated self due to extraordinary disability has right to cessation of her life under the provision of the principle autonomy. One possible objection to the right is that if the principle is interpreted as the privilege for self rule or self determination it presupposes the existence of self that decides what is good for her under reasonable circumstances. How can the self have the privilege of annihilating itself? Thus the moot question is- can a person with extraordinary disability negate her own existence under the provision of the principle of autonomy? I think that it is possible.

One possible objection to the right to die under the provision of the principle of autonomy is that the moral significance of the principle lies in that it makes one's

life worth living. Since the principle presupposes a life that is to be made worthy of living, the principle can not be said to allow the axing of the very foundation on which it can be exercised. A principle that is supposed to enrich life cannot be appealed to take that very life. In contrast, there is the alternative point of view that the principle, in fact, is respected by terminating the life! A painful and suffering life is a miserable life. Letting that life continue is to disrespect the person who is forced to continue with such a life. Now coming back to the objection I say that it is based on a narrow and closed reading of the principle. The principle of autonomy is a moral tool that the moral community offers to a person so that she leads a worthy life. This is the positive aspect of the moral significance of the principle. The negative aspect of the moral significance of the principle is that it protects the person leading a wretched life. This objective of preventing a person having a wretched life can be achieved by two ways- one possible way is that others are prevented from making her life wretched; the other way is that the very person who is suffering from that miserable life ceases to exist. The first alternative should be preferred first. Where that is not available, the second option should be available without which the moral significance of the principle is overlooked. The very objective of the principle is lost in such cases.

If I am unable to eat my food that would sustain me, if my sense organs fail me, if my limbs cannot take me out of my bed, if I am unable to distinguish my wife from a stranger, if I lose the sense of location, if I lose the sense of my 'self' because of the loss memory and perceptual abilities, what more is left with my life that I should continue with it? If it is morally proper that I discontinue my existence, I cannot do it myself. I am unable to make decision; what to speak of executing that decision by myself. Someone has to help me here. The physician should help me provided that I have given an informed consent for cessation of my life while I was normal. If the physician refuses, the family members are reluctant and the state supports them, where is my freedom to choose how I live? To live or not live?

Now suppose that I have not made explicit my wish while I was normal that if I lose control over my life due to the onset of those extraordinary disabilities, I should be allowed to die. Does that imply that I would have decided to continue to exist in that nonhuman state? Nothing determinate can be said about the probable decision. But there should be some objective criteria of evaluating life's worth and

possible outcome of the exercise of the principle of autonomy. This may sound very tricky. What the person would have decided- would she have decided to exist or cease to exist? If we cannot say for certain, we may treat it as problem case at present due to the present state of our knowledge about the predictability of human decisions. But that should not deter us from considering seriously the explicitly mentioned decision of a person to not to exist in a situation where she loses control over her life.