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IS THE PLEA OF LAVATE COUPLE TO THE PRESIDENT OF INDIA FOR THE RIGHT TO DIE TENABLE: AN ANALYSIS

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ABSTRACT

An elderly couple of Mumbai, known to be Mr. Narayan Lavate and Ms. Iravati Lavate, on December 21, 2017, had made a plea to the President of India seeking permission for assisted suicide or active euthanasia for themselves. The matter had come to light after it was reported in almost all leading daily news papers in India in the month of January, 2018. In their appeal the couple had made some points in favour of their prayer for right to die. The arguments were based basically on the mental state of loneliness and depression, the principle of autonomy over life and the willingness of die with dignity. We shall critically examine the arguments in this paper and try to show that their arguments are not strong enough to justify their petition for premature end of their lives.



KEYWORDS : Loneliness, Death with dignity, Autonomy over life, Assisted suicide, Euthanasia, Right to Die.

Methodology: Analytical.

INTRODUCTION

A report was published in almost all leading daily newspapers in India in the month of January, 2018, that an elderly couple living in the city of Mumbai, known to be Mr. Narayan Lavate and Ms. Iravati Lavate, had made a plea to the President of India on December 21, 2017 for the right to die. (1) They have completed a long journey in life and reached at the last phase of it. They respectively now are 88 and 78 years old. They had made an appeal to the President Ram Nath Kovind seeking permission for active euthanasia or "assisted suicide" for themselves. What we may say in other words that the Lavate couple no more wants to continue their right to live but intends to execute their right not to live. They had made the prayer to the President of India on the ground that it is the President who has the discretionary constitutional power in the country to pardon life sentences; so he should also have the power to allow 'right to die'. (2) The couple in their appeal emphasises on some issues and based on that seeking permission for the right to die for themselves. We shall critically examine the arguments of Lavate couple in due course.

ARGUMENTS OF LAVATE COUPLE

Loneliness and Depression

The couple argues in the appeal that a main reason which leads them to pray for ending their lives is loneliness. Researchers find that psychological and sociological factors play a significant role on how well a

person lives his life. It is very common during the old age that the likelihood of experiencing happiness gradually reduces and undesirable events occur, which in many cases have no reconciliation. Such events not only disappoint them but in certain cases make them demoralized permanently. It has been seen that unable to bearing the distress elderly people slowly refrain themselves from the society and socio-cultural activities. Such a detachment gradually pushes them to the mental state of depression. It results withdrawal, anxiety, lack of motivation and such others mental agony. (3) That negatively impacts on their health. We come to know from the prayer of the couple that they have no children and their siblings are also no more. They state it in their letter categorically. It shows that they have a feeling of loneliness and both of them bear in the mind a sense of fear to lose the other. The question always plays in their mind that what would be to one when the other will be no more. This particular sense of insecurity is very common to elderly couples. There were cases when unable to bearing such mental pressure; elderly people had taken the decision of withdrawal of life. Researchers claim that loneliness is one of the main factors leading to depression and an important cause of suicide and suicidal attempts for elderly people. (4) The statements what the Lavet couple stated in their plea "We are of no use to the society or ourselves" and, "*Keeping us alive against our wishes is wasting the scarce resources of the country as well as ours,*" clearly point out their mental state of loneliness and depression.(5) They are alive but are not enjoying their lives. That is why they compare their lives with the life-imprisonment and willing to get rid of it. They think that it is only death which can ultimately relive them from their distressed life. Hence they prayed to the Constitutional Head of the country for the right to die by means of assisted suicide or active euthanasia.

The principle of Autonomy over life

There is view that a person has the complete autonomy over his life and he can do with it whatever he wishes to do, even bring a premature end of it. Those who endorse the view describe the act of premature ending life as a specific kind of human right called 'the right to die'. It is a basic disposition of all leaving creatures to care and save their own lives. The human being is no exception of it. During the phrase, when everything is normal and favourable, no one speaks of the right to die. Simply because like other living creatures we the human also love to live. The famous Dutch painter Vincent Van Gaugh says "it is hard to live but harder to die". This is the very common philosophy what everyone implicitly bears in the mind. The situation alters when misfortune happens to our life. Our own affection to our live during that time impedes our care for life. We search for a way in order to get rid of that situation. And finding no other alternative decides to end our own life. The lavate couple does the same thing and prays to the President for their right to die. And behind their decision the so called autonomy principle over life plays a significant role. They do not commit suicide because of some inherited technical problems in it but pray for assisted (physician) suicide, which ensures the end of their lives.

WILLINGNESS OF DIE WITH DIGNITY

Death is the ultimate truth of life. Gautama Buddha names it the fourth noble truth of life. It is inevitable. Those who understand the true meaning of life neither fear death nor try to escape it. Everyone desires a death with dignity. It is generally understood as an end of life which is easy, kind and peaceful with the least amount of physical and psychological sufferings. All kind of pain and suffering prior to death is psychosomatic and often causes a deep emotional wound. (6) The Lavate couple has made a long journey in their lives and reached at the last part of life. Though they are physically fit till now but there is every possibility at that age to be affected by serious illness. And if so, their life would be miserable and there is no one of their own on whom they can depend. They have enjoyed their life a lot and in similar fashion they desire to end their lives in a dignified manner.

PROBLEMS OF THE LAVATE COUPLE'S PLEA

Beyond the periphery of Assisted Suicide and Euthanasia

The Lavate couple prays for Physician Aid-in-Dying (PAD). There are very few places in the world where PAD has got legal sanction. In those places there is a basic norm of PAD that only patients with less than six months to live may request PAD. India is not a country where PAD has got legal approval. More importantly, PAD is subjected to approve only to terminally ill patients. (7) The couple presently is in good

physical condition and is not suffering from any serious diseases. Hence, we may argue that the prayer of the couple to end their lives by any artificial means is unjustified.

Further, the advocates of euthanasia speak of exercising the right to die where death is the only alternative to a terminal patient for getting rid of his dejected life. The couple is not in such a situation. Hence, in case of Lavate couple the question of exercising euthanasia is completely out of question.

From the above points, we may say that in case of the Lavate couple the question of assisted (physician) suicide or euthanasia do not and cannot arise.

Violation of social ethos and morality

If the Lavate couple's plea is approved it would mean to consider the act of suicide as an acceptable way to relieve one from his pain and suffering. In our social life, if anyone attempts to kill himself, it is our moral and social duty to intervene and save the person. This is a standard ethical practice of human society. Consequently, the prayer of Lavate couple and its approval is nothing but a violation of standard ethical practice of the society.

Slippery-slope argument

- (a) If PAD is approved and get legal sanction in the case of Lavate couple, eventually it will be open to the people with life-debilitating disabilities, chronic illnesses, or even mental illnesses. As much as PAD is accessible to the people, the closer we come to approve suicide to anyone who wants it. (8)
- (b) If PAD is legal, the benefit of taking cover of health insurance would be negatively impacted. Insurance companies for obvious reason will not be ready to pay for high quality end of life care and palliative care. It results a poor quality of health coverage for terminal patients. Patients may feel pressure to request and accept PAD if insurance does not cover the major portion of the cost for the life care treatment and they have not sufficient financial strength to afford the financial burden of medical expenses. This adverse effect of legalizing PAD will disproportionately affect poor people and that would be a violation of justice. A basic principle of justice is that all people have the same choices available to them. If good end of life care becomes prohibitively expensive, more people will choose PAD just to avoid expenses that ought to be covered by insurance. (9)
- (c) If PAD is legal, a wrong message may go to the society that the lives of terminally ill patients are not worth living. (10)

Hence, we may come to the point that the termination of life cannot and should not be a solution to any problem.

THE VALUE OF LIFE

The autonomy argument in favour of right to die lies on the principle that *It is my life, so I can do what I like it*. The argument is objected on the ground that the word "my" in the argument is used in a wrong sense. In our ordinary usage "My" is used in different senses. The meaning of the word varies from context to context. "My" sometime is used in the sense of ownership. Such as, saying "My mobile", "My pen", "My watch" and so on. Let us suppose, a house is registered in favour of a person. In such a case that person has an absolute ownership over the house.(9) Nevertheless, the same is not true when we use the term "my life". One's life is not something on which a person has ultimate ownership. The relation between a person with his/her life is similar to that of a parent with the child. "My" in such a context stands for a distinctive relationship. Saying "My daughter", "My father" one states certain type of relation with other but it does not mean that they are each other property. That relation signifies a duty. When one says, "my child", that person actually means he/she has a distinctive relation with the child and he/she obliges to perform certain duty for benefaction of that child. One cannot do with his child whatever he wishes to do. He can do only those which are good for his child. The same is true in case of "my life". We have no absolute ownership over our life. We cannot do whatever wishes to do with our life. One has a specific duty towards his life. And that should be for very best interest of life specifically for saving the life. We should not take steps in any circumstances to bring a premature end of the life.

In religion the autonomy Argument for the right to die is objected from another direction following quite same line of thought. The religious argument is that the word “my” stands for the idea of belonging to something else, such as, “my team”, “my country”, in which the something or somebody else controls the team on which I belong. In the expression “my life”, the word “my” has to understand in this particular sense. The truth is that each of us belongs in a fundamental way to God. None of us has the right to end the life based on our own decisions. It is the God who controls the span of life. God alone is the Lord of life from its beginning until its end. No one has the right in any circumstances to bring premature end of his life. (11)

TRUE SENSE OF DIGNIFIED DEATH

It is a desire of everyone to die in such a way that is easy, kind and peaceful with the least amount of physical and psychological sufferings. But the dignity of death does not lie on the so called easy and peaceful death. In Mahabharata, Abhimunyu knew that he is going to die. But till the final moment came, he fought spiritedly with the seven maharathis (great archers). He had died and died very painfully. But with that painful death he conquered hearts of everyone. Even his enemy maharathi Karna considered him the best archer and better than Arjuna and himself. Similarly, suppose a cancer patient in the last phrase of life in spite of unbearable pain and suffering does not break down but intend to spend the remaining few days of his life with joy. Can we say when the death finally comes, it is in-dignified? No, we cannot say that. Rather it is the dignified death in its true sense. Committing suicide or any such artificial means of ending life just for the getting rid of pain and suffering is actually a sign of cowardliness and there is no dignity in it.

CONCLUSION

It is true that the mental state of depression and loneliness are considered to be the major problems leading to impaired quality of life among elderly persons. At the same time, old age can also be an opportunity for making new friends, developing new interests, discovering fresh ways of service, spending more time in fellowship with God. The life of one may be joyful and winsome or empty and sad, which depends largely on the outlook and societal involvement of the person. Aging research has found that there is a positive correlation between religious beliefs, social relationships, perceived health, self-efficacy, socioeconomic status and coping skills with the happiness of elderly people. Adjusting to the changes that accompany old age requires that an individual is flexible and develops new coping skills to adapt to the changes that are common to this time in their lives. (12) As much as elderly person will involve themselves in various socio-cultural activities and communicate with the present generation, more and more they will enjoy their life and definitely find a new meaning of life. The same is true to the Lavate couple. There are many elderly couples like them who have no child and no one of their own. There are lot of people who are in much worse situation comparing the Lavate couple. In spite of that they are willing to continue their live and to care it as little as they can, facing challenges of all kinds of hardship. This is the spirit of life. And one should go with the spirit. The lavate couple has restricted themselves in their own boundary and has not looked beyond that. They should come out from their own periphery and should involve in socio-cultural and religious activities as much as they can. If they do, their loneliness will disappear and they will find a new dimension in life. Ending life is not and cannot be a solution to any problems.

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