
SECULAR BIOETHICS AND EUTHANASIA IN A DEMOCRATIC PUBLIC SPACE

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Abstract

In democratic societies, the euthanasia debate involves, apart from personal decision and deontological issues, institutional mechanisms of communication, regulation, control and action. The religious and secular reflection on euthanasia involve two different ways of understanding human nature, the meaning of life, of suffering and of death. From the side of bioethical debate it is hard to unify them. However, what matters is that they do not get into conflict and leave room for a democratic choice, as regards personal choices and institutional rules. In the cultural spaces of the Western societies where euthanasia is permitted, the theoretical options have also existential relevance because they shape our way of understanding responsibility towards ourselves and others.

Keywords: religious ethics, biopolitics, counselling, quality of life, autonomy

1. Euthanasia as a topic of secular bioethics

From a philosophical point of view, the issues concerning birth and death are complementary and have deep connections not only with the existence of the individual in the world, in a universe filled with significance, but also with the conceiving of human condition. The contemporary world, the society based on communication reveal the fact that the process of realization and transfer of significance is attained through interpersonal communication which implies values that are themselves revelatory in a secular state, even if they still preserve religious or mythical traces of traditional methods of conceiving the human being. Thus, they must be approached in a reflexive manner from the humane point of view and in terms of the way the human being rediscovers itself in a sometimes hostile, sometimes friendly universe, but always embodies a challenge of the way in which the human being constructs the image of its present and future self. Such a reflection is based on the valorisation of secular principles of humanism and on the discourse by which a secular way of thinking addresses the fundamental issues of human existence. Generally, from an anthropological view we introduce these elements in a symbolic universe – sometimes of mythical-magical proportions, other times bearing a strong

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spiritual mark – to discuss elements concerning human condition from the point of view of some rites of passage as birth, marriage, death.

We cannot ignore that this field has been claimed and ruled in many ways by religion. Especially when moral issues are involved, religion interferes with its persuasive and constructive force offering explanatory patterns. Even when the purpose of an analysis is not of theological nature, we notice that several authors find intricate connections between religious traditions and the resolution of theoretical situations, problematic or of wear, belonging to the field of bioethics. These contribute to an ongoing discussion not only about the purpose of religion in the shaping of ethics, but also about the ceaseless reconsideration of its presence in the life of individuals and in the public sphere. There are several common problems to secular and religious ethics that reinforce each other in the effort of defining human authenticity, even if the proposed perspectives are different. They are not conflicting if we accept that “various perspectives on human nature as witnessed in various world religions provide a possible link between religious ethics and philosophical ethics. Each religion offers an embedded view of human nature and the world. Religious pluralism is an asset since religions offer different and sometimes refreshing ways of understanding humanity and the world people inhabit.” [1]. Disease, suffering, paradoxical events, the existence of hazard constitute elements which together with the preoccupation with birth and death belong to an index in which the religious concern with spiritual issues should always be accompanied by one with physical issues and with the entire range of bioethical and biopolitical implications [2].

However, at the same time, the ethical issue in the public space assumes the implication of employees as individual beings, holding a professional conscience, an individual or public ethics through which they decide what is good and what is evil, what is wrong or what is right, an ethics which becomes a landmark in the settlement of ethical dilemmas faced in their professional or private lives. Taking into consideration the importance that this dimension of conscience holds in the generation of ethical judgments and in the mobilization of decisional mechanisms, Patrick J. Sheeran asserts that “conscience is something within human beings that determines the morality of human actions. Conscience is a special act of the mind that comes into being when the intellect passes judgment on the goodness or badness of a particular act.” [3]

Starting from the importance Sheeran attaches to conscience, we can invoke the responsibility that every individual participating in the public space has. A delicate and complex issue which generates ethical dilemmas in the public sphere is related to the responsibility of each individual in the appreciation of life and the disapproval of murder. The complexity of such issues affects an ethical and an emotional ground, as well as our personal way of relating with the otherness and our personal way of placing ourselves into our assumed projection of reality. A special responsibility sensed by every individual is concerned with the protection of one’s life and the avoidance of any action that may be associated or may constitute a valid reason for murder.

Within this context of the discussion I would like to disclose a subject existing in public debate which leads to irreconcilable reactions from religion and ethics: euthanasia. Because they assume voluntary actions as regards life and death, they also become significant from the perspective of the dilemma concerning violence oriented toward individual and public values. The adopted theoretical options prove their importance because according to a chosen theoretical perspective we end up choosing a specific explicative pattern which determines our way of communicating, of relating to the others, of feeling responsible. These options surpass our basic personal assumption and the orientation of personal options, they impact administrative and political decisions that have major repercussions upon the way in which politics is elaborated and controlled in areas such as the privacy right, the right to dispose of your own body, the right to a private life or different aspects related to health, protection, quality of life, individual liberties, responsibilities and public duties. Thus, these themes generate the interference between bioethics and biopolitics.

2. Life is an intrinsic value

Patrick J. Sheeran has highlighted philosophers' articulated points of view that regard the suppression of life and the promotion of death. These points of view are influenced by the general consideration in relation to the principle of life existing in the western way of thinking. For this reason, the decisional process in controversial situations holds a strong ethical dimension. The ethical principles are formulated in very precise ethical situations, as for example, switching off the medical equipment in the case of cerebral death in order to donate the necessary organs to other patients whose lives could be saved this way. The reflection upon death gains new meanings in special cases as those when organs could be extracted from patients diagnosed with cerebral death. In these situations, the transplant coordinators are facing complex aspects concerning the techniques of communication or the educational level of those entitled to approve the transplant, but also a significant lack of information [4].

One important aspect that must be taken into consideration when discussing the issue of euthanasia is the way in which every individual perceives his/her responsibility towards others meaning the maintenance of a consensus regarding the significance of life, the guarding of life as intrinsic value and the avoidance, through any means available, of murder, of diminution of human life. The discussion regarding murder is a complex one and due to its complexity draws attention upon the moral dilemmas and judicial and ethical restrictions it implies. Theorists reveal the possibility of approaching the matter from the perspective of a voluntary or arbitrary action, of a deliberate or accidental perspective of a crime, of direct action or of a result caused by a chain of events. The powerful impact that a crime generates at an emotional, existential and ethical level is constant [3]. Therefore, the debates concerning the patient's rights in case of euthanasia leave the restricted circles of theorists, medical practitioners, ethics experts or judicial experts. They enter the public sphere and

become part of it. For example, in the case of euthanasia, one of the questions that public debates should answer is to what extent is euthanasia a humanist duty and in which circumstances it can become an inhuman practice. In these public debates, activists, professionals, experts belonging to fields of medical and social knowledge and practice, should take part [5]. There will always be a duality of what is human and inhuman regarding sickness, suffering, doctor-patient attitude. Besides professional dilemmas, it implies an ethical dilemma as well. One way of dealing with dilemma situations has to do with the communication between patient and doctor, where euthanasia or cases of terminal patients should be taken into account by modern medicine. They must be judged and reflected upon from an existential and axiological point of view when they raise issues such as public policies regarding nursing terminal patients, because they help us understand issues as complex as life quality, improving sickness and suffering, life extension, as does the concept of 'good quality of dying', a concept existing in contemporary thought [6, 7].

3. The right to a dignified death, the quality of life and the need for counselling

In the ethical debate of euthanasia, rules must be obeyed, limits should be imposed, and a certain kind of control should be maintained in order to offer protection against unjustified deaths. There are theorists who argue that these limitations regard a tragic issue, such as the suffering of a terminal patient from an arbitrary perspective, caring more about the limitations of human dignity. They seem less constraining in terms of designing public policies and especially of their implementation, because they eliminate a series of troubles caused by the increased vulnerability of some people that may be subject to abuse. Thus, philosophical anxieties are compensated due to a stronger belief in the ways of protecting patients found in disadvantaged and controversial situations [8].

We should not forget that the preservation of life represents a virtue that defines one's way of existing in the world. Thus, when we realize that a public interest concerning the debate of euthanasia exists, as well as a certain degree of this method's acceptance, complementary to palliative care, we should keep in mind that there is a certain kind of natural resistance against such an alternative. Some of the arguments that can be used in the case of this opposition are: the issue of one's dignity when facing death can be used in favour or against euthanasia; the fear that euthanasia could be used abusively in health care systems which are not subject to proper deontological control; the lack of information and a low level of education may constitute reason for confirming oppositions; cultural backgrounds and tradition could be an additional factor of opposition; religious belief or the belonging to a particular religious community were listed by theorists among the important factors that may cause opposition to euthanasia [9].

The issue of religion in the system of counterarguments is complex. It holds different nuances depending on different religions and different confessions. However, generically speaking, we notice that there are authors who consider the importance of religion in this matter. The debate regarding death and our journey in death is deeply influenced by religion. Often, when we discuss the things that truly matter for the human being, in philosophical and political terms, we discover a register in which religion is disguised in forms of secular reflection upon human nature and its relation with what has ultimate significance to humans. As a result, the idea that we cannot discuss the meaning of life and death without referring to religion may also imply that we cannot debate euthanasia without referring to religion [10, 11]. We often face situations when for patients confronting unusually harsh illnesses, terminal patients or patients suffering from rare diseases, the need to seek religious counselling is greater than usual [12]. At the same time, there are researches which prove that for patients diagnosed with malignancies and chronic diseases, religion and spirituality play an important part in gaining a better life, in avoiding depressions and even in the hope of regaining health [13]. Some explanations concerning the theological grounds of such an attitude are provided by H. Tristram Engelhardt jr: "A secular Ethics of palliative care will as a result in great measure be shaped by an immanent aesthetic of dying well, with dignity, self-affirmation, and comfort. This is all utterly incompatible with the traditional Christian Ethics of end-of-life care with its transcendent focus and anchor, which looks beyond the horizon of the finite and the immanent, so that the emphasis is on repentance, not on dignity" [14, p. 10]. This paragraph covers a whole tradition of interpretation for which "the contemporary moral pluralism is acknowledged as a failure adequately to appreciate the canonical content of morality, as well as the ultimate significance of life and reality" [14]. Such a tradition is assumed by Vasile Boari when he states that "Europe is affected today by a true Christophobia, which separates it dramatically from America, which, despite all the changes it experienced, remains singularly Christian. ... Europe being today one of the most secularized regions of the world. And here secularism does not mean just the separation between State and Church, but also a denial of the legitimacy of the presence of religion in the public space." [15]. Even if such a diagnosis could seem a radical perspective on Europe, it attempts to speak on the importance of Christian values in individuals' lives and in the public space, and on the other hand, it confirms the existence of a different dynamics of the public-private relations, between religious and political pluralism, between American and European cultural space [16].

Also, as different perspectives of controversial issues may be generated, there are authors who deem that religion does not play an important part in the issue of euthanasia. For example, the desire to avoid inconveniences to those surrounding you or to become dependent on them in the last days of your life seems to constitute a more powerful decisional factor than religion or even than the experience of suffering and dying with dignity [17]. A way to avoid a conflicting relation between the two types of bioethical reflections is the one that

presupposes the principle of integration as possible crossroad of medical ethics and Christian principles [7].

An important discussion which may clarify the position regarding euthanasia and the degree of its acceptance presumes clarifying euthanasia (it presumes the action of an outsider who facilitates the death of a person through an intervention that leads to ceasing one's existence) and passive euthanasia (it presumes the passiveness of those capable of maintaining the life of a terminal patient, deliberately leaving the patient to cease his own existence). Helga Kushe explains that the difference between the two forms of euthanasia is a difference of attitudes. The difference is that "an agent, who assures the ceasing of one's existence, intervenes in nature's course while an agent who is passively involved in the ceasing of one's existence, permits nature to take its course" [8, p. 327]. The issue of ethical responsibility is more significant in this case because we are facing a reversed perspective concerning the preservation of life's values. The ethical debate becomes more complicated because contrary to normal circumstances in which a person would fight to lengthen his life, patients who request euthanasia seek to end their life, not to lengthen it. Thus, in each of the two situations, where the patient is helped to cease his life or is left to die, the patient's desire, acting as his superior interest, transcends any circumstances.

We should be aware that in the case of euthanasia the reluctance will be stronger. Even more because philosophers, medical experts, ethical and judicial experts as well cannot formulate ethical standards that could function in case of assisted death, of assisted suicide or any other form of human intervention that could determine the death of a person. This inability generates more difficulties in accepting an ethical decisional standard in the case of delicate matters such as euthanasia or other related practices implying the death of a person. When, however, philosophers ponder on the legitimacy of ceasing one's life afore death, they consider the action justifiable when the cancelation of an unbearable suffering is in question, an unbearable suffering which will inevitably end in death, and thus justifying the whole action from an ethical point of view. From a different perspective, however, we find philosophical perspectives that assert the culpability of any individual intervention upon the life of others, as the ones that commit suicide are guilty for taking their lives, so each one of these aspects should have their own ethical and judicial system that should be executed [3, p. 110].

In Western society, the ethical dilemmas must always function according to judicial regulation. In most states, euthanasia is strictly legally regulated through a series of prohibitions that are designed to protect the individual and his family when they are in difficult situations that require radical decisions as the demand to be euthanized. This protection is insured by public policies and by judicial regulations. To these, aspects concerning mentalities, customs, tradition, and religion, psychological and cultural factors are added, representing the way of relating to euthanasia [18].

What we can realize is the fact that euthanasia is usually accepted due to feelings of compassion, empathy, solidarity with those in suffering, respect for autonomy that function as possible arguments in support of the ethical character of euthanasia [8, p. 324]. The consideration for the individual is used by philosophers when they assert ethical legitimacy to the recognition of the personal right to a dignified death [19].

In the contexts in which euthanasia is permitted, a series of supplementary issues arises, especially in the case of developing a protocol that will foresee the required steps in the communication previous to euthanasia, even if this is performed in a medical institution, or at the patient's residence [20]. Among others, during this communication with the patient, aspects concerning his/her true motives for resorting to euthanasia, an open discussion about existential dilemmas and their true nature, the disclosure of the disproportionate and unbalanced nature of any type of issues that determine the desire to cease one's life in comparison with the radical decision represented by euthanasia, aspects regarding individual euthanasia and its limits, psychological aspects of suffering, the meaning of life and the right to a dignifying death, the irreversibility of death, should be discussed, as well as other specific issues encountered in the counselling of terminal patients.

4. Autonomy and democracy

The respect for individual autonomy is considered by experts to be of central importance. It represents complex traits of life quality and reduces suffering, but has implications upon the entire life of the individual as well as his relations with the others and with the world. At the same time, it raises the question of the responsibility we feel towards every person that exists in our world, be it a spiritual being or a corporal and biological being. In this respect, the experiences described in palliative medicine regarding the necessity of a hermeneutical reflection in the understanding of the issues confronted by terminally ill patients, may be useful. They may also be useful in understanding the meaning of one's desire to resort to euthanasia or in the communication with the patient while taking into consideration his belonging to a cultural, temporal, social context, shaped by different life values and significances [21]. Researches reveal the public's growing appreciation and respect for autonomy that highlights the growing interest of public view from different countries in relation to the personal issue concerning the ceasing of life in certain conditions and respecting medical protocols. "Growing public sensibility to a 'right to die' for terminally ill patients" is an extra reason for the public and political debate to provide the rightful importance to this type of ethical debate [22, 23].

One such mode of operating the public communication pertains to the democratic game described by Gilles Lipovetsky as a creation of an open democracy which constitutes "the dialogue between a doctor and a non-doctor, between a theologian and an economist, between a biologist and a philosopher" [19, p. 254]. Essential for this perspective is the way in which the truth imposes

itself as a moral truth through the consensus presumed by this dialogue. It implies the transfer of authority and truth from a place conceived as an absolute authority offered by transdisciplinary deliberation, of mixing different parts of the truth. This way, the traditional authority is replaced by a different resource for establishing the ethical truths, identified by Lipovetsky as democratic compromise. Issues as the ones implied by the debate concerning euthanasia are important from the perspective of public communication in democratic societies because they imply essential aspects that define the individual as a biological, social and political being. They regard meaningful social and professional practices capable of generating radical and irreversible consequences, consequences regarding the way we perceive morality and law.

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