

Is there any moral and legal justification of Suicide? A philosophical analysis

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Abstract

Suicide is now an object of multidisciplinary scientific study with sociology, anthropology, psychology, etc and each providing important insights into suicide. For Philosophers, suicide raises a host of conceptual, moral, psychological questions. Among these question are : what makes a person's behavior suicidal? Is suicide morally permissible or morally required in some extra ordinary circumstances? Every year huge amount of people dies by suicide. There are some arguments for and against suicide. The arguments against suicide are stronger than the arguments in favour of suicide. Some countries consider attempt to suicide is illegal, but others recognize it as legal. But only decriminalization cannot prevent suicidal behavior. People who attempts suicide need extensive and sometimes long-term psycho-social support. Suicide is a "cry for help". Some preventive measures are required to be taken to rejuvenate in the suicidal individuals. These are the concern of this paper which in conclusion negates suicide.

Key words : Suicide, Morality, Decriminalization, Prevention.

INTRODUCTION :

Most valuable and favorite thing of a man is his own life. But every year huge number of people dies by suicide. The World Health Organization estimates that it is one of the leading causes of death. This type of death happens mostly among teenagers and adults under 45 years. There has been an alarming rise in the rate of suicide in recent years. For example, there were 1, 27, 151 cases suicide noted in the National Crime Records Bureau (NCRB) in 2009 which have increased to 1, 34, 516 in 2018.

Generally "killing" means "destruction of one's life by another". Suicide is one type of killing where killer and killed person is same. The word "suicide" is derived from Latin word "Suicidium". "Sui" means of one self and "cide" or cidium means killing. Suicide means an intentionally taking of one's own life. According to Brandt, suicide occurs if and only if there is an intentional termination of one's own life.

Suicide and Euthanasia are controversial issues in ethics. Though both are cases of killing still there are some differences between suicide and euthanasia. Suicide consists in intentionally killing one self. On the other hand, euthanasia is mercy killing as it is committed on the basis of medical reason. Again, in euthanasia the killing is brought about by another person where as in suicide the act of killing is brought about by one self. Suicide is a harsh and sudden act. But euthanasia is not a sudden and harsh act. It is important to note that euthanasia is applicable to human beings and animals as well. It is on the other hand, suicide is not applicable to animals. Suicides are voluntary but euthanasia can also be involuntary or non voluntary.

In his book "Suicide" Emil Durkheim mentioned four types of suicides such as Egoistic, Altruistic, Anomic and Fatalistic suicide. Again, on the basis of the means by which suicide is performed, suicide may be two types such as active suicide and passive suicide. Active suicide means that types of suicide when we make an effort to kill ourselves. For example, we shoot ourselves, hang ourselves etc. On the other hand, passive suicide is that when we do not make the effort to stay alive and in effort let ourselves be killed. For example we are not actively killing ourselves but we are intentionally putting ourselves on a course to death. Egoistic suicide is that type of suicide, when a man becomes serially isolated or feels that he has no place in the society, he destroys himself. This is the suicide of self centered person who lacks altruistic feelings and usually cut off from the main stream of society. Altruistic suicide occurs when individuals and the group are too close and intimate. This kind of suicide results from the over integration of the individual into society proof. Anomic suicide is due to certain break down of social equilibrium, such as suicide after bankruptcy. Fatalistic suicide is due to over regulation in society.

CAUSES OF SUICIDE

There are many factors that play a role in influencing someone decides to commit suicides. Fifteen common causes of suicide are : 1. Mental illness, which includes – (a) anxiety, (b) bipolar disorder, (c) depression and (d) schizophrenia, 2. Traumatic experience which includes PTSD (Post Traumatic stress disorder), Physical abuse, Sexual abuse, war etc. 3. Bullying, 4. Personality disorder, 5. Drug Addiction/substance Abuse, 6. Eating disorder, 7. Unemployment, 8. Social isolation/Loneliness, 9. Relationship Problems, 10. Genetics / family history, 11. Philosophical Desire/Existential crisis, 12. Terminal illness, 13. Chronic Pain, 14. Financial Problem, and 15. Prescription drug. There is evidence that having a parent who has committed suicide is a strong predictor of suicide attempts. According to Freud, the tendency to commit suicide remains unconscious mind of a person. According to Durkheim, when the relation of a person with his society becomes abnormal or unnatural than the person commits suicide. Some study found that independent decision making, rural residence and premarital sex were the strongest precipitators of suicidal tendencies. According to the NCRB, the most common reason cited for a suicide was "family problems".

As the arguments against suicide are stronger than the arguments in favour of suicide, it is mentioned first. These arguments are biological, sociological religious and moral.

ARGUMENTS AGAINST SUICIDE

In nature everybody loves himself. Due to this self love everybody tries to save himself or herself from decay or destruction. Man is a part of nature. Suicide disregards the natural attribute of life.

Every social man has an obligation to society, obligation of social welfare, obligation according to man's own position and occupation in society. If a man does not perform his social duty then peace and harmony of society hampers. Suicide is harmful to others and for the society as a whole. As every individual is a member of a greater society so due to the suicide of an individual, development of society also suffers.

Most of the religious person believe that God is our creator. So , only God has a power on our lives. As we do not create our lives in the similar way we do not have the right to kill ourselves. The person who commits suicide actually disobey the action of God. According to St. Augustine and Tomas Aquinas, suicide is not supported from religious stand point.

In this context we may mention that Greek Philosophers Socrates, Plato also supported this view. According to Socrates man is movable property of God. If this property is destroyed then man enraged. Similarly, if God's movable property is destroyed, i.e. if man commits suicide then God becomes enraged. In Phaedo, Socrates expresses guarded enthusiasm for the thesis, associated with the Pythagoreans, that suicide is always wrong because it represents our releasing ourselves (i.e., our souls) from a "guard-post" (i.e., our bodies) the gods have placed us in as a form of punishment. In the Laws, Plato claimed that suicide is disgraceful and its perpetrators should be buried in unmarked graves.

From ethical standpoint we may say that suicide indirectly influences person's family, relatives, friends. They suffer financially and mentally. According to utilitarianism, suicide is ethically an improper action, because it produces pain over pleasure. Man's life is mixture of pleasure and pain. If a man commits suicide to get rid of pain then it expressed escapist mentality instead of fighting spirit. It is a cowardly action.

Again, according to Kant, German Philosopher, treat every rational being as an end and never as a means. Person who committed suicide or attempt to commit suicide treat himself/herself as a means, not as an end.

ARGUMENTS IN FAVOUR OF SUICIDE

Supporters of suicide do not admit sociological and religious arguments against suicide. According to them, if man has nothing to do for his family or society and his life is full of suffering and miseries than it is consistent and logical to commit suicide. Again, if it is admitted that God gives our lives then it will also be admitted that he gives us freedom. In that case suicide is same as self protection. Famous thinker Albert Camus in his book "The Myth of Sisyphus" supports suicide from qualitative standpoint of life. In his opinion, if man is intelligent then he understands the nature of life, i.e. he never fulfilled all aims of his life. In that situation he wants to commit suicide. But he gives arguments against suicide from quantitative standpoint. According to him, man acquires different types of experiences. If a man commit suicide then he will be deprived from gaining future experiences.

British Empiricist David Hume supported suicide in special cases. He rejects the thesis that suicide violates our duties to self. Sickness, old age and other misfortunes can make life sufficiently miserable that continued existence is worse than death. He also says that suicide may be free of imputation of guilt and blame.

For the Existentialists, suicide was not a choice shaped mainly by moral consideration but by concerns about the individual as the source of meaning in a meaningless universe.

IS SUICIDE A MORAL CRIME?

There is no unanimous view regarding suicide whether suicide is ethical or unethical? According to some it is ethical and others hold that it is unethical. The real cause of the diversity in opinion lies on the different types of suicide. Mainly suicide may be divided into two types namely egoistic and altruistic. Here a question arises, is suicide ethically good or bad? This question does not arise in case of altruistic suicide, because this type of suicide is always considered as "glorious scarifies". For example freedom fighters sacrificed their lives for the others. Egoistic suicide is ethically good or bad is a debatable topic. In this context we may mention a proverb "leave the world as you might leave a smoky room" – in this situation suicide is supported by German philosopher Schopenhauer. According to him,

moral freedom – the highest ethical aim is to be obtained only by a denial of the will to live. Far from being a denial, suicide is an emphatic assertion of this will. But we do not ethically support all egoistic suicides. Whether the egoistic suicide is ethically considered or not? That depends on environment, surroundings, physical and mental conditions of self murderer.

Is suicide committed to get rid of shame and ill repute? – if it is the case then it is considered as a crime ethically. This types of suicide occurs due to escapist mentality. Every man should realize that life is the mixture of fame and ill repute. We could not free ourselves from ill repute by suicide.

Is suicide committed due to loss of everything, pain for the separation from the pleasant thing? In this respect, there is no attraction to live and seems to them that life is full of sorrow and has no meaning. In that case also suicide is committed from escapist mentality. Being a man, we should be optimist, not be pessimist. Actually to commit suicide is degrading and an act of cowardice.

Is suicide committed to get relief from unbearable pain of incurable disease? Only this case of suicide is supported by David Hume. ‘.... a man who tried of life, and hunted by pain and misery, bravely, overcomes all the natural terrors of death and makes his escape from this cruel sense’ He said that the life of a man was of no greater importance to the universe them that of an oyster.

LEGAL ANALYSIS

In the perspective of Laws relating to “Suicide” prevailing in the world including India, following informations are mentioned.

According to Article 21 of the Indian constitution, “No person shall be deprived of his life or personal liberty except according to procedure established by the law”. While the constitution covers the right to life or liberty, it does not include the ‘right to die’. The attempts at taking one’s own life are not considered to fall under purview of constitutional right to life.

Section 309 of the Indian Penal Code (IPC) clearly states as follows : “*Whoever attempts to commit suicide and does any act towards the commission of such offence, shall be punished with simple imprisonment for a term which may extend to one year or with fine or both*”.

In many countries like Norway, Ireland, Germany, New Zealand, Sri Lanka, attempted suicide is not a criminal offence any more. Pakistan, Bangladesh, Malaysia, Singapore and Denmark, have persisted with the law. North Korea has a peculiar deterrent for suicide. Although law cannot punish a dead person, in North Korea relatives of a (Criminal) suicide victim might be penalized as a from of collective punishment. In Singapore, a person who attempts to commit suicide can be imprisoned for up to one year.

The Indian Judiciary and Polity both have recognized the need to repeal the section and several attempts have been made starting from 1970, as summarized in Table 2. Supreme Court had recommended to Parliament to consider decriminalizing attempt to suicide, saying the provision had become anachronistic. Eventually, it was included in few sections of the Mental Health Care Bill 2016 which has recently been passed by the Parliament unanimously, a legislation that decriminalizes suicide and provides for comprehensive Mental Health Care and facilities for persons suffering from mental illness. The said bill repeals the existing Mental Health Act, 1987. Highlights of the said bill

are : - (i) Mental Health Care Bill seeks to decriminalize the attempt to commit suicide, (ii) Seeks to fulfill India's International Obligation pursuant to the convention on rights of persons with disabilities and its optional protocol, (iii) Seeks to empower persons suffering from mental illness, marking a departure from the Act of 1987, (iv) Adopts a rights based approach, which is a first in the mental health law of India, (v) Provision for registration of Institutions and regulation of the sector, (vi) The Bill allows only restricted use of Electro-convulsive therapy, (vii) Property Management, (viii) Responsibilities of certain other Agencies, (ix) Funds and (x) The Bill Seeks to tackle stigma attached to mental illness. Some experts are of the opinion that the Indian Penal Code should be amended through a separate bill, and not under Mental Health Care Bill. It is also noted that in 1996 in Gian Kaur's case, a constitution bench of the SC (five judge, headed by justice J S Verma) overruled the 1994 verdict (case of P Rathinam VS Union of India, S.C.) stating that the right to life does not include right to die and upheld the validity of Section 309 and in 2008 Law Commission favoured scrapping of Section 309 of the IPC in 210th report on 'humanization and decriminalization of Attempt to Suicide'. Supreme Court of India on March 7, 2011 had recommended to Parliament to consider decriminalizing attempt to suicide, saying the provision had become anachronistic, while giving guidelines for passive euthanasia and in the same year 25 out of 29 states in India agreed to the proposal to bring amendment to delete 309 IPC. The Parliament of India on the basis of recommendation of Supreme Court of India in several verdicts propounded in different times had tried to amend, decriminalize and/or repeal Section 309 IPC but such attempts of Parliament have not been materialized as no bill to the effect is passed in parliament till date. In Indian context, while the level of awareness about existence of section 309 cannot be deemed to be too high, but a significant proportion are aware of its existence, but not deterred to make a suicidal attempt. A study of 200 attempted suicides in a General Hospital Emergency facility revealed that 46.2% males and 26.6% females were aware of the existing law before making the attempt. By new laws attempt to suicide is no longer a crime. In India, not only abetment of suicide is an offence (vide section 306 IPC) but also attempt to commit suicide is an offence (vide section 309 IPC) punishable under section 309 of the Indian Penal Code. It is to be noted that the abetting of the commission of suicide (but not the abetting of attempt to commit suicide) is covered under Section 306 IPC and the abetment of suicide of a child is covered under Section 305 IPC. The punishment for these varies from 1 – 10 years of imprisonment and heavy fines. Repealing of Section 309, per se, would not affect or impact the above sections on abetment of completed suicide.

The recent steps to achieve decriminalization of suicide in India are commendable, but were long overdue. Decriminalization will reduce the trauma and potential prosecution in the aftermath of a suicidal attempt. However, there is a need to improve the mental health coverage and provide a framework to deliver essential mental health services to all those who attempted suicide.

CONCLUSION

Suicide is one of the important factors contributing to premature or unnatural end of precious human lives. The WHO encourages efforts for the prevention of suicide. Suicide is a "cry for help". The International Association for suicide prevention has expressed the view that attempted suicide should be decriminalized and that suicidal individuals need to be helped and imprisonment only makes their problems worse. The said Association on September 10 every year sponsors "World Suicide Prevention Day" as a part of its efforts to achieve effective suicide prevention.

People who attempt suicide need extensive and sometimes long-term psychosocial support. They need compassion, emotional support and sometimes even psychiatric help. If the act of attempted suicide is to be decriminalized, it will make things more workable and easier for all to extend their hands and support in reducing suicide.

Suicide prevention is an umbrella term for the collective efforts of local citizen organizations, mental health practitioners and related professionals to reduce the incidence of suicide.

In the end I am of the view that some preventive measures are required to be taken to rejuvenate in the suicidal individuals.

Some measures for suicide prevention are as follows :

- Formation of social organization and training of volunteer citizen groups offering regular counseling and awareness for the intending/affected individuals.
- Promotion of clinical and professional institutions.
- Development and implementation of community based suicide prevention programs.
- Usages of news media for helping prevention of suicide, by linking with negative outcomes such as pain for the suicide and his survivors, conveying that the majority of people choose something other than suicide in order to solve their problems.
- Reducing domestic violence and substance abuse are long-term strategies to reduce many mental health problems.
- Government effort should be directed towards channeling the energy of our vibrant
- Youths adequately and gainfully to avoid youth restiveness.
- Hard and dangerous drugs such as cocaine, heroin etc. should as much as possible be eradicated.
- Need to further increase the emphasis on the public health approach to suicide prevention e.g. increased awareness generation, restrictions on access to commonly used lethal methods of suicides (insecticides, prescription medications) and control over facilitating factors such as alcohol.
- Need to develop an effective framework integrating the mental health with social welfare, education and other related sectors.

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