

ÉTICA BIOMÉDICA - CONCLUSÃO

9 DE ABRIL DE 2018

(13^a aula)

Sumário da Aula Anterior:

A investigação com células estaminais: problemas éticos e legislação vigente. O Projecto do Genoma Humano: implicações éticas. Discussão do caso “Embryonic Stem Cells and a Presidential Decision”.

Programa Para a Aula de Hoje:

A eutanásia: historial e problemas éticos. Critérios de morte: impacte da tecnologia. Discussão dos casos “Rom, Dave, and Tony”.

Eutanásia

Definição

Do grego eu (boa) thanatos (morte). Acto de provocar a morte num doente incurável, para por fim aos seu sofrimento, ou num recém-nascido com malformações graves, cuja qualidade de vida seria sempre reduzida. Pode ser voluntária, não-voluntária ou involuntária, passiva ou activa.

Historial

A prática a tempos muito recuados. Em Esparta, os recém-nascidos mal formados eram mortos.

Platão afirma que a medicina “não se deve aplicar àqueles cujo corpo é mal constituído, a esses deve-se deixar que morram”.

5th Century B.C.-1st Century B.C. - Ancient Greeks and Romans Tend to Support Euthanasia

"In ancient Greece and Rome, before the coming of Christianity, attitudes toward infanticide, active euthanasia, and suicide had tended to be tolerant. Many ancient Greeks and Romans had no cogently defined belief in the inherent value of individual human life, and pagan physicians likely performed frequent abortions as well as both voluntary and involuntary mercy killings. Although the Hippocratic Oath prohibited doctors from giving 'a deadly drug to anybody, not even if asked for,' or from suggesting such a course of action, few ancient Greek or Roman physicians followed the oath faithfully. Throughout classical antiquity, there was widespread support for voluntary death as opposed to prolonged agony, and physicians complied by often giving their patients the poisons they requested."

Ian Dowbiggin, PhD ★★☆☆ *A Merciful End: The Euthanasia Movement in Modern America*, 2003

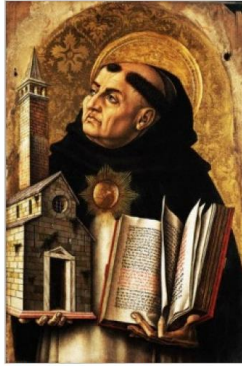


Hippocrates, author of the Hippocratic Oath

Source: www.howstuffworks.com
(accessed May 5, 2009)

Historial

13th Century - During Middle Ages Christians and Jews Tend to Oppose Euthanasia



Saint Thomas Aquinas, Catholic theologian and philosopher
Source: www.sciencemusings.com (accessed May 5, 2009)

"Since ancient times, Jewish and Christian thinkers have opposed suicide as inconsistent with the human good and with responsibilities to God. In the thirteenth century, Thomas Aquinas espoused Catholic teaching about suicide in arguments that would shape Christian thought about suicide for centuries. Aquinas condemned suicide as wrong because it contravenes one's duty to oneself and the natural inclination of self-perpetuation; because it injures other people and the community of which the individual is a part; and because it violates God's authority over life, which is God's gift. This position exemplified attitudes about suicide that prevailed from the Middle Ages through the Renaissance and Reformation."

New York State Task Force on Life and the Law ★, *When Death Is Sought: Assisted Suicide and*

Euthanasia in the Medical Context (88KB) 📄, 1994

O termo eutanásia foi possivelmente empregue pela primeira vez com o sentido actual por Francis Bacon.

17th Century - Common Law Tradition Prohibits Suicide and Assisted Suicide in the American Colonies

"For over 700 years, the Anglo American common law tradition has punished or otherwise disapproved of both suicide and assisting suicide... For the most part, the early American colonies adopted the common law approach. For example, the legislators of the Providence Plantations, which would later become Rhode Island, declared, in 1647, that '[s]elf murder is by all agreed to be the most unnatural, and it is by this present Assembly declared, to be that, wherein he that doth it, kills himself out of a premeditated hatred against his own life or other humor...his goods and chattels are the king's custom.'"

Washington v. Glucksberg (63KB) 📄, 1997

Historial

17th-18th Century - Renaissance and Reformation Writers Challenge Church Opposition to Euthanasia

"No serious discussion of euthanasia was even possible in Christian Europe until the eighteenth-century Enlightenment. Suddenly, writers assaulted the church's authoritative teaching on all matters, including euthanasia and suicide... While writers challenged the authority of the church with regard to ethical matters, there was no real widespread interest in the issues of euthanasia or physician-assisted suicide during that time."

Michael Manning, MD ★★ ★ *Euthanasia and Physician-Assisted Suicide: Killing or Caring?*, 1998

Late 18th Century - American Evangelical Christians Reject Suicide and Euthanasia

"Enlightenment toleration of suicide proved to be temporary. Under the leadership of evangelicals...a vigorous religious counterattack gained momentum as the late eighteenth century drew to a close. The various waves of religious revivalism, starting with the Great Awakening of the mid-1700s, prevented secularists and agnostics on either side of the Atlantic Ocean from generating popular support for taking one's life. These events dovetailed with the Second Great Awakening of intense evangelical fervor in the first years of the nineteenth century and strengthened the condemnation of suicide and euthanasia that stretched back to the earliest days of colonial America.

The rejection of suicide and euthanasia remained firm, even after many of the new states decriminalized suicide in the wake of the Revolutionary War. The majority of Americans rejected suicide's common-law punishment...but no matter how sympathetic they were toward the suicide's family, most Americans stopped far short of condoning self-murder. As late as the antebellum period there existed in the United States a firm consensus...against suicide and mercy killing."

Ian Dowbiggin, PhD ★★ ★ *A Merciful End: The Euthanasia Movement in Modern America*, 2003

Historial

1828 - First US Statute Outlawing Assisted Suicide Enacted in New York

The earliest American statute explicitly to outlaw assisting suicide is enacted in New York. It is the Act of Dec. 10, 1828, ch. 20, §4, 1828 N. Y. Laws 19.

"Many of the new States and Territories followed New York's example... Between 1857 and 1865, a New York commission led by Dudley Field drafted a criminal code that prohibited 'aiding' a suicide and, specifically, 'furnish[ing] another person with any deadly weapon or poisonous drug, knowing that such person intends to use such weapon or drug in taking his own life'... By the time the Fourteenth Amendment was ratified, it was a crime in most States to assist a suicide... The Field Penal Code was adopted in the Dakota Territory in 1877, in New York in 1881, and its language served as a model for several other western States' statutes in the late 19th and early 20th centuries... California, for example, codified its assisted suicide prohibition in 1874, using language similar to the Field Code's."

Washington v. Glucksberg (63KB)  1997

Pasteur terá permitido a recurso a eutanásia em doentes de raiva em fase avançada.

A partir dos anos 30, iniciou-se um movimento de legalização da eutanásia voluntária, em Inglaterra. Daí, estendeu-se aos Estados Unidos.

O fim da 2^a guerra e o conhecimento dos crimes nazis, alguns considerados eutanásicos, arrefece o movimento.

Este é rapidamente retomado, e em 1974 três prémios Nobel (o americano Linus Pauling, o inglês George Thompson e o francês Jacques Monod) assinam uma petição pela “eutanásia humanitária”.

O movimento progride mais rapidamente nos países anglo-saxónicos que nos latinos, e é incipiente no 3^o mundo.

Não existem números precisos, mas cerca de 40% dos médicos afirmam ter-se confrontado com pedidos de eutanásia, e cerca de um quarto dos médicos afirma já a ter praticado.

Estes actos foram praticados em situação de ilegalidade, pois a eutanásia permanece proibida em quase todo o mundo. A Holanda constitui uma das raras exceções, uma vez que lei, que prevê penas até 12 anos de prisão, não tem sido deliberadamente aplicada, admitindo exceções em determinados casos.

Mar. 2, 2014 - Belgium Legalizes Euthanasia for Terminally and Incurably Ill Children

On Mar. 2, 2014, Belgium became the world's first country to lift all age restrictions on euthanasia. King Philippe of Belgium signed legislation that allows children with terminal and incurable illnesses to choose to be euthanized. The child must be "near death, in 'constant and unbearable physical' pain with no available treatment." The child must also have "capacity of discernment and be conscious at the moment of the request." The request has to be made in writing, confirmed and agreed upon by the treating physician, confirmed by a second opinion from an outside doctor, and then the child must undergo psychological testing to confirm that the child understands the request fully and that test has to be certified in writing by the psychiatrist. The treating physician is then required to meet with the child's parents or legal representative to obtain their consent in writing. The Netherlands has similar legislation but prohibits euthanasia for children under 12 years of age.

Cecilia Rodriguez, MA  "Will Belgium's Legalized Child Euthanasia Trigger Death Tourism?," www.forbes.com, Mar. 6, 2014

Problemas Éticos

Relações entre eutanásia activa, passiva e obstinação terapêutica: quais são os limites?

Quais as relações entre eutanásia voluntária, não-voluntária e involuntária? E suicídio medicamente assistido?

Qual o valor da vida? a sua sacralização implica a rejeição incondicional da eutanásia (activa) como defende a Igreja Católica. As restantes correntes religiosas principais defendem posições próximas das católicas, que são secundados pela quase totalidade das associações médicas.

Problema do declive: seria a legalização da eutanásia uma porta aberta para outras situações abusivas de homicídio?

Quem tem o poder decisório? Como se assegura que a decisão é correctamente informada?

CRITÉRIOS DE MORTE

A. Critério Integral (whole-body) - Paragem respiratória, seguida de paragem cardíaca

B. Critérios Cerebrais (impostos pelos ventiladores)

- Critério de Harvard (1968) - 2 EEG “flat” no espaço de 24 horas

- Critério cognitivo

Ausência de características de personalidade

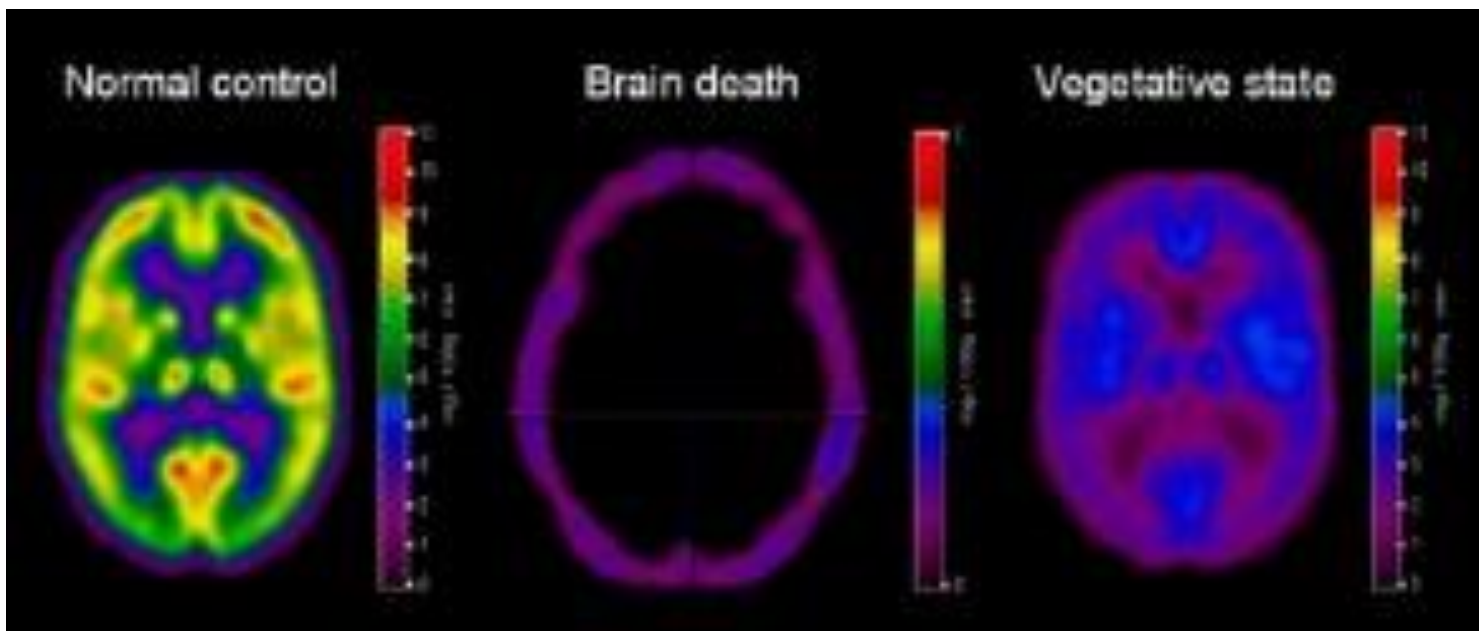
- Critério da Irreversibilidade

Perda irreversível da consciência

Universal Brain Death Acts (UBDA): perda irreversível de toda a actividade cerebral

COMAS E EVP: Casos limites de eutanásia, doentes não-competentes

VENTILADORES E SONDAS GÁSTRICAS



http://www.scholarpedia.org/article/Vegetative_state

3 CASOS DE EUTANÁSIA: Rom, Dave and Tony

<https://www.tes.com/teaching-resource/euthanasia-case-studies-6045145>



Rom has been in a coma for 23 years following a car accident. His doctors say that he is in a vegetative state. **Is there any point in keeping him alive any longer?**



Dave has terminal Cancer. He would be in terrible pain without his drugs. His doctor is concerned that his morphine will actually shorten his life as it is toxic. **Should the Doctor be giving drugs that he knows will shorten Dave's life?**



Tony is suffering clinical depression. He is 27. He cannot see anything good ever happening to him again. He has considered suicide on many occasions but has never had the courage to carry it out. **Should he be able to ask a Doctor to end his life for him with a simple injection?**

Checklist de Conhecimentos e Competências a Adquirir:

- Conhecer os problemas éticos colocados pela eutanásia;
- Conhecer os diversos critérios de morte e o impacte da tecnologia na sua evolução;

Sumário

O Projecto do Genoma Humano: implicações éticas. A eutanásia: historial e problemas éticos. Critérios de morte: impacte da tecnologia. Discussão dos casos “Rom, Dave and Tony”.

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