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Euthanasia, a Matrix of Cure or Exacerbation

– A Legal Perspective of Current Bioethics Issue in China

Introduction

Euthanasia is an old topic with traditional wisdom stating that everyone should have right to choose the mean of death. In China, there are always arguments about the two extremes of the land of living – birth and death. With the study of birth, which gives rise to eugenics, the study of death has touched off a rational discussion, that is, whether or not people have a right to opt for death; that is also, to take the value of life and sustain dignity in the last moment of life¹.

The controversial nature of bioethics issues concern each single individual. It is thus not surprising that the relating discussions had long extended out of national boundaries, races, religions, and cultures. Euthanasia, as an integrated subject in bioethics field, is receiving interpretations from every corner of the global society. In this sense, the topic itself had established a solid international forum, which is characterised by conflicts and paradoxes. China, the fast developing Asian giant, was unavoidably involved in this debate. This article therefore aims to give a comprehensive overview of euthanasia acceptance in China. It also provides an insight examination of different Chinese social groups, their attitudes and reasons. By doing so, several suggestions are put forward at the end.

To define euthanasia precisely, this article starts from both the traditional understanding and the modern connotation. In ancient times Euthanasia means an easy death without severe suffering. Today one should no longer think of this original meaning only, but rather of some medical interventions whereby the suffering of sickness or of the final agony can be reduced. Sometimes it is also with the danger of suppressing life prematurely.² Most of the time, people use the word euthanasia in a more particular sense to mean “mercy killing” for the purpose of putting an end to extreme suffering, or having abnormal babies, mental illness or the incurably sick, perhaps even for many years of a

miserable life, which could impose a heavy burden on their families or on society.³

In China, a common understanding of euthanasia defined by academia⁴ is: the whole process of allowing patients, who is on the verge of death with incurable disease and sustains extreme pains spiritually and bodily, to tide over the death stage and end life by a non-natural mean upon the request of the patients or their families and with consents of doctors.⁵

Professor Wang Wei believes

“...with a right to birth, people should have a right to a dignity death...it is one type of materialisation of the social modernisation...”⁶.

However, the real life is not as easy as this philosophical belief.

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- 1 Xi jing, ‘Euthanasia in China: Yes or No?’, 2002, volume 4, China Society Journal For Human Rights Studies, 55
- 2 Feng, Xiuyun, ‘Several Suggestions to Euthanasia Legalisation’, 1997, volume 4, Medical Science and Death Studies, China 22
- 3 Slogen Herban, ‘Bioethics – An Independent Study’, 2004, Tannan Zhonghua Publishing, Taiwan 6
- 4 This definition is commonly used in Chinese academic literatures. References can be found from a number of sources including texts. See eg. from Professor Wang yuan, Professor in Humanity, Beijing University; Dr. Wang xiaohua, Tongren Hospital, Professor Xing huibin, Zhongshan Medical Science University. In China, there is no legal definition for euthanasia so far in China. Thus, this will be a description quoted by this article.
- 5 See also, eg, Wang yuan, ‘Can any country with a law of killing?’ 1994, Chinese Central Publishing House, Beijing 12; Wang xiaohua ‘the God Given Duty to the Doctor’, 1993, Journal of Medical Science and Humanities, Beijing 33; Xing huibin, ‘Notes on bioethics – what is going on with euthanasia’ 1995, The World of Medical Science, Medical Science Publishing, Guangzhong, 45
- 6 Wang Wei ‘Rights and Obligation, A Perspective from Euthanasia’, 2000 Journal of Nanjing University, 46

According to a 5-year joint study conducted by PRC National Population and Family Planning Commission (NPFPC)⁷ and PRC Ministry of Health⁸, there are about 10 million deaths annually in China from year 1996 to 2000. More than 1 million people died with agony⁹. Also, among those 1 million deaths, a big proportion asked for euthanasia in various occasions. The accurate number of requests was not revealed, but the study exposed most of those requests were refused on the basis of lacking legal authority.¹⁰ People died with great resentments both to the disease they suffered and to the refusals of their requests for choosing their own way to die. Notably enough, some deaths were committed quietly with certain assistance received from close relatives and reliable doctors upon the willingness of the non-curable patients. Again, the accurate number was not revealed.¹¹

As professor Xing zhihui pointed out in her literature

*"...the development of our human being had presented us with some opportunities to choose a comparably peaceful death. There is no reason why we have to abandon these opportunities, and instead, suffer with pain... this is a matter of management and control, this is a process of technical legalisation and this is a matter of time..."*¹²

However, "falsehood is just a tiny step further in front of the truth"¹³. Regulating euthanasia is always seen as an area with such temptation and risk of abuse. With the specific situation in China including huge population and poor social securities system, the Chinese government has to take extreme vigilance.

The first euthanasia court case in China is cited below and followed by the argument from different social groups in the country to picture a current situation in China and to raise an issue of euthanasia legalisation.

The first Chinese court case concerning euthanasia

An ordinary Chinese, died with great resentments in 2003 after 17 years fighting for a right of euthanasia including 6 years in detention and 3 years suffering from deadly disease.

Wang mingcheng, male, married in 1980. His life was normal and joyful with his wife and a son. On October 4, 1984, he was told that his mother was sick due to cirrhosis. By June, his mother began to suffer from bed sore, edema of lower extremity,

swollen abdomen, and incontinence of urine and bowel and in the end was thrown into a coma. On June 12, his mother woke up and wanted Wang to request euthanasia for her. On the morning of June 25, Wang mingcheng asked the doctor about the possibility of a cure and was told it was hopeless. Wang then asked for an easy death for his mother. The doctor refused by saying there was no law about euthanasia. Three days later, Wang knelt down before the doctor, asked him to consider his request and promised to undertake all legal consequences. The touched doctor accepted the request tacitly in the end. He wrote out a prescription, with the note that it was requested by the family of the patient and Wang signed the prescription. On the morning of June 29, Wang's mother took the medicine and died in peace. At that time, nobody knew that Wang-mother's death became a beginning of Wang's 17 years fighting for a right of euthanasia.

On February 8, 1988, the doctor and Wang Mingcheng were prosecuted for deliberate killing. The first trial was conducted before the people's court of Hanzhong City¹⁴. There, they were declared not guilty. The appeal court upheld the original judgement by adopting the suggestions from The Supreme Court of PRC in Beijing¹⁵. The first "euthanasia case" thus came to an end in 1992, when Wang Mingcheng was released after six years detention.

7 The official web site of National Population and Family Planning Commission of China <http://www.npfpc.gov.cn/index.htm>, view at 21/5/5

8 The official web site of PRC Ministry of Health www.moh.gov.cn

9 Such as the great pain in later period of cancer

10 "A 5-year Study of Death Circumstantiality", 2002, Chinese Scientific Publishing House, 65-68

11 "A 5-year Study of Death Circumstantiality", 2002, Chinese Scientific Publishing House, 101

12 Xing zhihui, 'Several Suggestions to the Proposed Euthanasia Legislation', 1997, volumn4, Journal of Medical Science and Death Studies, China 39-41

13 This is a direct translation of a Chinese proverb.

14 The People's court of Hanzhong City is at the lowest level of Chinese court system. In China, most of the lawsuits start from the bottom and there is a strict policy regarding to the appeal system, called "two trial and final trail". This means a single court case can only be appealed once to a higher-level court. The second decision will be final. In Wang's case, the final decision was made in the Intermediate Court of the City.

15 The Supreme Court of PRC is the highest court in the judicial hierarchy in China. The reason that was used for this decision was that the prescribed medicine used for Wang's mother could not been seen as primary cause of death.

"...this is an ordinary death but extraordinary case...this is the first time ever that euthanasia attracts that much attention from the public, government and legislature... this is an issue needs to be addressed at certain stage in our law... sooner rather than later...".¹⁶

Unfortunately, on November 3, 2000, Wang Mingcheng was diagnosed with stomach cancer. Even with active medication, his situation kept getting worse. He then decided to stop expensive treatments. He knew clearly that his cancer had gone beyond cure. Less than half year in the hospital, Wang had requested to execute euthanasia for many times. His wife refused, saying that she could not do that and reminded Wang of his mother's case. The situation for him got worse. He requested the hospital to give an easy death again by telling them his "not guilty" sentence and added that he would like to donate his organs for other curable patients. But, the decision was still – there is no such a law in China and the hospital will not do it. Wang stopped breathing in great agony on August 3, 2003.¹⁷

His death had left an urgent need for reconsidering euthanasia legalisation in China.

The great debate

Opinions from ordinary Chinese, medical experts, legal practitioners and politicians are reviewed below to demonstrate different attitudes toward euthanasia.

Public Opinion

Chinese people are concerned about this world and avoid mentioning death due to the affection of Confucianism, so there are scarcely any open discussions of death in people's life. However, Wang's case made people face and talk about death more objectively.¹⁸

The 5-year joint study also shows that many Chinese approved euthanasia especially in the big cities like Beijing and Shanghai.¹⁹ However, this survey represents only a limited portion of the Chinese. In fact, there are about 80% of the nation's population are peasants; they trend to be more subject to Confucianism²⁰. Apart from this study, in 2003, an exam question concerning euthanasia was introduced to a National Self Studies Examination to test the attitudes from the participants. The response to that question shows that 80% of the participants approved euthanasia, which was in line with the 5 years study.²¹

Opinion from medical experts: Con & Pro

Unlike the ordinary urban Chinese, views from medical experts clearly split up into "against" and "for" categories.

Doctor Li, who treated Wang, firmly opposed euthanasia. He believes that the given duty of a doctor is to do as much as possible to prolong life and it is absolutely wrong in ethical sense for a doctor help a patient to end his life.²²

Associate Professor Wang Ji said that, in China, euthanasia concerns more about a traditional moral concept – you should be able to live even it is painful, as this is the biggest respect for life²³. In this respect, Wang mingcheng's faith to commit an easy death should not have any standing in a higher level of Chinese morality. He also quoted that even in other developed countries, only a few allow the use of euthanasia to end life²⁴.

Similar views come from many other medical practitioners such as Dr. Wang Suizhu, who believes that the needs to legalise euthanasia is not

16 This statement was made by Yan renying, a famous medical scientist, in the People's Congress. Full text could be seen from an editorial, 'Euthanasia is raised to the legislature', 1 Feb 2004, China Daily, Xinhua Press, Beijing.

17 Detailed story could refer to editorial: 'Wang Mingcheng's story – fighting for his right to choose an easy death', 12 December 2003, China Daily, Xinhua Press, Beijing.

18 *Xi jing*, above 20

19 "A 5-year Study of Death Circumstantiality", above 55-59

20 Generally speaking, the education level of Chinese rural population is comparatively low. The poverty restrains the communication and transportation. In the village, families live very close. Within a single family, different generations live together. Older generations' strong Confucians' way of thinking still has strong impact upon younger family members.

21 The exam is for the subject of paramedic ethics. A multiply choice question was included to ask the participants to choice which would be their choice to one deadly symptom. 53% of the participants chose to execute an active euthanasia, 25% chose to execute a passive euthanasia, and the rest of 22% chose to keep medications and wait. There was 80000 people sit in this national exam. Detailed information was read at <http://news.tom.com/Archive/1002/2003/7/1131901.html> on 15 January 2004

22 'Wang Mingcheng's story – fighting for his right to choose an easy death', above 20

23 Wang Ji, 'Some Suggestions to the Proposed Euthanasia Regulation', 2003, Vol 2, No2, Medical Science and Philosophy, 67.

24 *Ibid*

present. To demonstrate this opinion, he quoted personal experience as a principle doctor in his work. He said that he saw so many occasions on which the children of their sick elders just want them to die quickly. He believes allowing euthanasia would cause more immoralities and illegalities with the current education level of majority Chinese.²⁵

While some people are strongly against the euthanasia, others are trying hard to push it into government priority list.

In 1988 and 1994 respectively, two national conferences were held in the Shanghai Medical University, where China's medical experts agreed that China should draft legislation to regulate euthanasia practice. Surveys were conducted consequently to collect public opinions in the period of 1988 to 1994 in Beijing, Shanghai, Hebei and Guangdong. In 1994's conference, a report finally set out with scientific data from the long waiting survey showing that a growing number of Chinese favouring euthanasia policy. 73 percent of 200 elderly people interviewed in Shanghai, and 79.8 percent of 500 interviewees in Beijing, supported euthanasia.²⁶ However, the cities involved were the big cities with a comparatively higher-level living standard and better education.

As the "father for mortal patient", Professor Cui yitai in Tianjin Medical Science University had recently published his new book concerning euthanasia, in which he shows his support to this practice and urged the government to put euthanasia legalisation, or at least recognition, process into their top priority list.²⁷

Opinion from legal practitioners

Unlike the Chinese urban public, who supports the legalisation of euthanasia, and the split views from the medical experts, legal practitioners are taking a more conservative common approach. Precisely, the Chinese lawyers tend to agree on changing the law, but failed to work out how the law could be changed effectively.

Legal expert Wang Honglin, who was involved in Wang mingcheng's case and saw Wang on many occasions, said that euthanasia does have reasons to be considered by law and society. But technically, it is just too hard to be legalised at this stage. He said that the way of easy death is *prima facie* a death caused by man, but it is essentially different from deliberate killing as defined in the Chinese

criminal law. What euthanasia seeks is not a result of death because death is a foregone conclusion, but the ending of sufferings before death by other means. Euthanasia is therefore of no harm to the society. However, the way to control the application is another issue. Without a sound consideration of application, it is too early to talk about enactment.²⁸

Similar concerns are raised from many other legal practitioners over the time. Lawyer Zhang Qian of the Qianyuan Zhaoyi Law Firm in Henan Province holds a view that there is no legal basis for euthanasia in China and it is hardly possible to define any legal use of euthanasia based on the current Chinese Crime Act. Making a new law is just too remote and too complicated.²⁹

In lawyers' eyes, they probably see more immoralities than the deadly suffering of the patients. Wang Fang, a famous female lawyer, opposed euthanasia legalisation by giving a real case, in which, a dying mother was sent to crematory by her only son with forged documents. She said in a national TV program

25 Information obtained from www.371.net/zznews/200567_34.html, viewed the web site on 4 Feb 2005

26 Zhang guoqin, 'the reflection to euthanasia legalisation', 1998, No. 5 Journal of Jurisprudence and Legal History, 23-40

27 Cui yitai, professor in Medical Science, is currently lecturing in Tianjin Medical Science University. In 1988, he was appointed as director in Care Centre for Mortal Patients, which is the first research centre to study mortal patients care in China. In 1990, he established the first clinic in China for mortal patient by leading a group of 10 medical professionals. In 1993, he chaired a committee called Care for Mortal Patients Committee in PRC Mental Health Association. With the reputation and rich experiences, he was named "father for mortal patient" in China. His literatures are highly regarded. His views borrowed by this article could be read in various of his work including his latest monograph "The Chinese Attitudes to Death and Mortality", 2004, Tianjing People's Publishing House, 40

28 Wang Honglin acted as Wang Mingheng's defence council in Wang mother's case. He was approached again when Wang wanted to commute euthanasia to himself. But he refused to talk to the hospital on Wang's behalf. He was interviewed by different media after Wang mother's case. His opinions can be found on South China Morning Post, 21 March 2003; South China Morning Post 3, Jan, 1994, and, Beijing Evening News, March 23, 1995.

29 Zhang Qian, partner of the Qianyuan Zhaoyi Law Firm in Zhengzhou City, Henan Province. Detailed text viewed at <http://news.371.net/Archive/1-29073.html> on 3 March 2005

"...please note – the mother was dying but not died..."³⁰

As a legal sociologist, Wei Ran also noted in his paper:

"...law should be the materialised willingness of the mass public. To study the willingness of the Chinese is an enormous task. One should be with extra cautions...in China, with its unique situation, the willingness of people tend to be rather after live but not die. ..."31

Constitutional Lawyers argued publicly that legalising euthanasia would be unconstitutional on the base of right to live³², which might pose a fundamental barrier to this practice.

Opinion form politicians

In any single party country like China, opinions from the politicians always indicate further government initiatives. After Wang mingcheng's court case, debates were seen among the politicians and several proposals concerning euthanasia legalisation and other bioethics issues had been submitted to the government and legislature³³.

On March 1994, a group of National Peoples Congress (NPC) delegates proposed a bill recommending euthanasia legalisation in the People's Congress, in which they claimed euthanasia was feasible in China.³⁴

In March 1995, more than 30 delegates from Beijing, southern Hunan and Fujian province urged the NPC again to legalise euthanasia. These "pro-euthanasia" delegates claimed the issue must be concerned as the aging population and market reforms caused medical cost to soar.³⁵

Again in March 1996, Wu Zhaoguang, a professor at Shanghai's Zhongshan Hospital and a NPC delegate, argued that euthanasia law should be introduced in China as soon as possible. Wu proposes that euthanasia should be trialled in Beijing and Shanghai, where medical conditions are relatively good.³⁶

Analysis of opinions from different Chinese social groups

Opinions to legalise euthanasia in China fall into several different categories. Generally speaking, the educated urban public hold a supportive view and medical experts split their voices into against and for. Interestingly, an overwhelming approach from legal professionals is concerning more about the practice and control. For politicians, they had a

number of submissions/attempts but failed to achieve any clear attitudes. Against this context, the following parts attempt to examine the reasons behind.

The first and the most common reason behind the public opinion is their genuine concerns about their loved ones. They do not want to see or they cannot bear to see such anguish. They support the view to give them an easy death even they can hardly afford to loose them. But they understand that life refuses to give their loved ones the choice of living. Death, in one way or another, is an unavoidable ending.

Secondly, this is a financial consideration supporting euthanasia, which is to be examined below by a "reverse pyramid effect". It is publicly known that, most of deadly illness, even with a short period of prolongation of life, would bring the family with huge financial burden. Most of the patients and some family members would rather choose an easy death, which provides an ending without agony for patient and relief financially and emotionally for the family. These are important concerns in China with poor public medical system and huge population. A diagram below explains a reverse pyramid effect, which might be against the traditional Confucianism, but indeed, shows a potential danger with the current trend of ageing population and China's ongoing one child policy.

³⁰ A live interview was showed in a TV program called To Be Honest, CCTV Channel 4 on June 23, 1998. In that program, Wang Fang, as a successful female lawyer in her area, was invited with 4 other senior legal councils. They believe that euthanasia legalisation needs further study.

³¹ Wei Ran, a famous Chinese legal sociologist. For quote, re "A battle for legal death", 1992, Shanghai People's Publishing, 135.

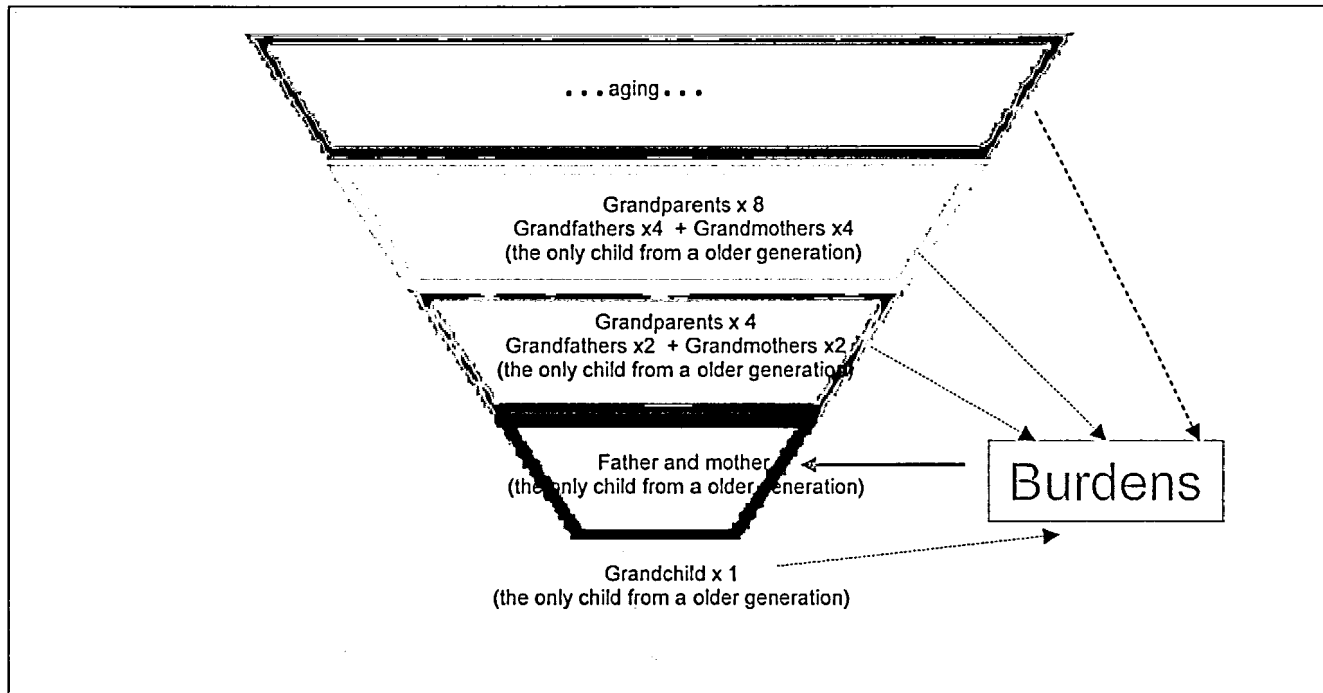
³² Zhao zhongpeng, 'Law and Euthanasia', viewed at <http://news.tom.com/Archive/1002/2003/7/22-41105.html> on 22 July 2003. In this article, several legal professionals argued on the basis of PRC Constitution that euthanasia does not have any legal standing in China.

³³ Several submissions were submitted in Provincial People's Congress in September 1994 Guangxi Province, September 1998 Shanaxi Province, and September 2004 Jiangsu Province. China Daily, 1 Feb 2005.

³⁴ "The way a head for euthanasia in China", China Daily, 1 Feb 2005

³⁵ *ibid*

³⁶ *ibid*



This diagram shows a typical pre-decided family structure in China³⁷, which contains three generations: one child (grandchild), one working couple (father and mother), and, two retired elder couples (grandparents³⁸). All the burdens from the top and the bottom will be placed to the second bottom level where the working couple is. With an aging population and longer life expectancy, plus the development of medical science, the burden will be worsened. Moreover, medical cost of the elders normally constitutes a big part of the financial burden especially when one or more family member has deadly disease. Thus, any urgent relief of those burdens is bound to be considered. This reverse pyramid had started to pose a challenge to the regulators, public, law, social welfare, national stability, economy development, public morality as well as some specific issues including euthanasia.

The third possible consideration supporting euthanasia is people's immoral mindsets. It is no doubt that people can be extremely selfish and abandon their obligation as close family member. For those people, the supports of euthanasia is more likely to be an excuse, and sometimes, even a false defence for a crime.

Among medical experts, views spite into against and support. For those who against, the reason is mainly because of their worries about the possible legal consequence. Wang Mingcheng's court case and his "not guilty" sentence could not release any concern from the doctors. The doctor's common response to a request of euthanasia is to report the

matter to a high administrative level. However, the answer will normally be negative.³⁹ As a doctor revealed in a newspaper interview⁴⁰:

"...to any doctor, if they said they will ask for an approval from the hospital level. They mean "no way" to this request...it (approval of euthanasia) can only happen privately and quietly between the doctor and the patient with the family..."

One question could also be raised here, why there were doctors who eventually agreed to assist with the easy death. This article believes that sympathy could be one reason. As the doctor, they witness their patient's suffering. They could be more distressed than patient family because of their medical knowledge. Some doctors are stronger in personality while others are more emotional. One doctor said in the same newspaper interview that⁴¹

"...I know for sure that my hospital will say no to any request for euthanasia because the people who make decision do not need to see the patient personally and they have to safe themselves from any unexpected consequences. If I were them, I would say no...as a principle doctor, I see my patient every day,

³⁷ This article holds a view that because of the compulsory one child policy, majority of the Chinese family structure are to be the same more or less. Thus, a "pre-decision family structure" is used here.

³⁸ From both father's parents and mother's parents.

³⁹ Wang Ji, above 48

⁴⁰ A number of interviews were conducted provincial wide by a group of journalists in Henan Daily, the most popular newspaper in that province. The result of these interviews was published in an article called 'A real opinion to euthanasia from our doctors' 28 September 2003, Henan Daily.

⁴¹ Ibd

I know they are weaker and weaker, I can feel their suffering... that makes difference...only the law can change..."

Nevertheless, in China, law does not give any answer and there is no sign shows that the law will come up with any answer in the near future either.

The current Chinese legislation forbids any person to "deprive others of their lives."⁴² If any doctor ends any patient's life by using drugs, it is entirely possible for the doctor to be charged with "deliberate killing" or likely to receive administrative punishment. There a number of easy death cases had been decided after Wang Mother's case.⁴³ As Chinese legal system does not regard precedent as the binding authority, even with the existence "not guilty" court decision, almost all the later euthanasia lawsuits had been sentenced guilty in light of Article 132 of PRC Crime Act.

This paper believes that an inappropriate application of the law could be easily found here. Article 132 of Crime Act falls into a category with severe punishment such as death penalty and long period of imprisonment. Interestingly, all defendants have been sentenced in China only with the lightest sense of "killing." This was because the courts took into consideration of "good motivation" and "mild harm to society" of the defendants' conducts. This way of judging involves a category mistake. The matter is not whether those involved in euthanasia should be punished heavily or lightly. Rather, placing such cases under the crime of murder is a misleading. Current law really needs a new particular provision that regulate such cases, so that they are no longer considered as crime of murder.

Major concerns in China for euthanasia legalisation

Major concerns

By examining various debates and interpretations in China and putting them into legalisation process, this article recapitulates some major concerns as below:

1. the immediate reason for patient and family to seek euthanasia is because of the unbearable agony. With the fast developing medical technologies, to define an obsoletely deadly disease is not an easy task. The possibilities to find the cure in the future are always there. Therefore, legalising euthanasia will jeopardise doctor's moral or professional obligations. The recent exposal of metamorphic medical doctors and

nurses in England and Switzerland taught such lessons.⁴⁴

2. it is always hard for legalisation process to interdict abuse from family members. People can abandon their morality obligations and go against filial piety for simple selfish reasons
3. euthanasia legalisation can cause misunderstandings. Because of poor social medical system in China, most of the patients who choose to terminate themselves before their time in order to save the family financially.⁴⁵ For them, they believe death is only a step away, so prolonging of their life is meaningless but encumbrance to both society and family. In another words, they would like to commit suicide because of poverty – is this justifiable?
4. As the famous psychiatrist, Professor Thomas Shuofer pointed out in his literature that patient with deadly diseases trends to make a suicide decision impetuously. They might regret later for their decision.⁴⁶ In this sense, euthanasia is not only immoral but even can help a tyrant to do evil.⁴⁷
5. Doctor Hu Yamei said, in China, euthanasia legalisation could cause chaotic situation in allocating the limited medical resources.⁴⁸ Terminating a dying patient could save limited medical resources to other patients with higher possibility for recovery. However, this is again a hardly justifiable ethic.

Legal issues are to be clarified

Apart from a few countries in the world established laws granting the legality of euthanasia⁴⁹, most of the countries are waiting in silence. This gives room for various debates of the following legal issues in China:

⁴² Article 132 of current PRC Crime Act

⁴³ Wang Ji, above 76

⁴⁴ Zhang guoqin, above 45

⁴⁵ Wang Ji, above 11

⁴⁶ Zhang guoqin, above 48

⁴⁷ Long, 'The Dignity and Euthanasia – A Conversation Between Medical Science and Philosophy', 2000, volume 20, 6, Medical Science and Philosophy, Beijing 42-45

⁴⁸ Hu yamei is an expert in paediatrics. She has published extensively in paediatrics and bioethics. See eg, 'My note on euthanasia', 2001, Journal of Medical Science and Humanities, Beijing 12. Also, 'About Our Children', 2002, Journal of Medical Science and Humanities, Beijing 34, and 'What Can We Do To Them', 2002, Beijing Daily, September 26.

⁴⁹ Cui yitai, 'The Chinese Attitudes to Death and Mortality', 2004, Tianjing People's Publishing House, 78.

- Who should be the object of euthanasia and how to define the point of time, on which one could conclude the death of the patient is unavoidable?
- What is the scope of definition of deadly disease?
- To what extent that the patient's suffering could be treated as unbearable agony?
- How to differentiate a real cogitative request from an impetuous decision?
- How to justify the decision made on behalf of the patient by the relatives or doctor?

This article also suggests that apart from current judicial resources in China, namely courts and judges, a panel would be considered to join in the trial of euthanasia cases. The panel members can be selected from academics and medical practitioners. By doing this, a better justice and a wider social acceptance would more likely to be achieved.

Moreover, a specialised independent body should be set up by the government. The body can be used to approve any legitimate method of terminating life with deadly illness and agony. To guarantee public confidence, this proposed body should be totally independent, not to be in association with any medical and legal practice.

In the end, public education about death is of urgent need in China. According to a study conducted by Song Tang Guan Huai hospital⁵⁰ to one thousand university students worked as volunteer,

90% of the students had never have any type of education about death. Some of them were even abstained from talking about it. The right to choose the way to die was seen as a remote issue from their lives. With this extremely low level of awareness form the university students; one can imagine the status for the mass population in China.

Conclusion

Euthanasia is receiving as much debates in China as anywhere else. The current legislation fails to provide answer. This article believes that there is an urgent need to the law of euthanasia in China. By using Wang Mincheng's last word when his clock stroked "...I am afraid; I want to be alive..."⁵¹, this article ends here with its belief – even with the most effective way of mercy killing, the patients will not get the absolute peaceful death.

This is an end, but rather a beginning...

⁵⁰ Zhang guoqin, above 12

⁵¹ Qiu qiu, "New Humanity Movements and Pitfalls", article viewed on 22 Feb 2005 at [http:// news.sina.com.cn/c/2003-08-08/13451505113.shtml](http://news.sina.com.cn/c/2003-08-08/13451505113.shtml)