

Evento: XXV Seminário de Iniciação Científica

THE LEGAL ASPECTS OF SUICIDE¹ **THE LEGAL ASPECTS OF SUICIDE**

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INTRODUCTION

According to Leenaars (2003, p. 131):

suicide is the human act of self-inflicted, self-intentioned death. Suicide is not a disease (though many think otherwise); it is not a biological anomaly (though biological factors may contribute to some suicides); it is not immoral (though it is often treated as such); and most countries do not consider it a crime (though for centuries many did).

The word suicide is synonymous of self-destruction, self-killing, self-murder and self-slaughter. Erwin Ringel quoted by Leenaars (2003, p.132) says that "Suicide is the intentional tendency to take one's own life."

As points out Ogar and Ogaboh (2011, p. 97), "Suicide or suicidal behaviour is an act of responding to and try to solve problem [...]." At the same way, Walter Hurst quoted by Leenaars (2003, p.132) highlights that "the decision to commit suicide is more often prompted by an inner desire to stop living than by a wish to die. Suicide is a determined alternative to facing a problem that seems to be too big to handle alone."

As Stone (1999, p. 30) affirms that:

Thousands of books have attempted to answer the question of why people

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kill themselves. To summarize their findings in three words: to stop pain. Sometimes this pain is physical, as in chronic or terminal illness; more often it is emotional, caused by a myriad of problems. In any case, suicide is not a random or senseless act, but an effective, if extreme, solution.

Many people believe, and among them we can find a bunch of specialists and physicians who frequently sustain that if you have suicidal behavior it means a hundred per cent that you are mentally ill. However, there are authors who believe that suicide goes far beyond from just having a sick mind because they take into consideration the variety of reasons that lead people to think about suicide as a way out of their problems, and they even argue that “[...] being mentally healthy is the antonym of being suicidal.” (LEENAARS, 2003, p.132).

METHODOLOGY

This article arises from a bibliography analysis through books written by reputable authors over the subject and all sorts of material and instruments available on the Internet as well. Its goal is to debate the suicide issue on our modern society through others bias such as the legal, political and social angles. In addition, we bring up news and alternative ways to cope with the suicide issue in a try to find better solutions for it.

RESULTS AND DISCUSSION

For the sociologist Durkheim apud Ogar and Ogaboh (2011), particular circumstances are responsible for taking the person’s life and that personal reasons aren’t enough to be the mainly causes to explain suicide rates. The referred sociologist also affirms that there is a strong correlation between suicide rates and social facts. Durkheim quoted by Ogar and Ogaboh (2011, p. 97) also “[...] observed that suicide rate is high among protestant countries than in Catholic ones; that married people are prone to suicide than those who are single, and that married women who remained childless experience high incidence of suicide [...].”

The most common objections against suicide are based on the fact that it goes against our own nature, in other words, we have the nature and instinct to survive and perverse our lives as much as we can; the other argument comes from a religion belief which understands that we were made by the image of God and therefore only He can take our lives; the third argument is a social one, it says that suicide is wrong specially because it hurts the community in general (PILPEL; AMSEL, 2010).

So, it’s very hard often to think clearly and discuss the topic clearly. Most people think that either you got to be crazy to kill yourself over the very fact that you’re contemplating suicide, and as a consequence you’re crazy, and if you’re not crazy then it shows that you’re immoral. Therefore, by this perspective, suicide is clearly never a right choice (KAGAN, 2008).

But let us think a little bit further about the reasons that lead one to commit suicide. Let’s

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suppose

[...] an existentialist with a serious illness who is devastated by a recent divorce and consequently suffering from "clinical major depression." He has a prescription for antidepressant medication which makes him feel well enough to go out of the house. He goes to a bar, gets drunk, comes back, and shoots himself with a loaded gun he kept in the bedroom. None of his neighbors responds to the noise and he bleeds to death. What "caused" his death: physical illness, philosophy, divorce, depression, medication, alcohol, availability of a gun, or social isolation? Or, perhaps, none of the above: From a slightly different perspective, none of these factors *caused the* suicide; rather it is the pain associated with them (along with the unwillingness to bear it) that precipitates suicide (STONE, 1999, p. 35-36).

Following the above context, Ogar and Ogaboh (2011, p.95) also argues that

It could be the problem of an unmarried girl being pregnant itching to procure abortion, a cultist who could not satisfy the human demands incumbent on him by his sinister members, seeks to take his life through suicide; a patient with a terminal disease imploring for mercy killing (euthanasia) or a case of despair resulting from loss of prestige either as a student or public servant choosing suicide in his desperation to end its attendant ignominy. Admittedly, among many other, issues of life and death are the most serious and deserving of our attention. It could also be discerned that all efforts at different segment of time from a right frame of mind are geared towards the preservation of life. Also most rewarding and most consolidating are life's support programme.

But now, if we ask ourselves if we have the right to commit suicide or to attempt suicide, we could get lots of different answers and ideologies. Therefore, "[...] there are many ways and disciplines that could equally provide an answer to that question, such as those involved in law, criminal justice, philosophy, and so on [...]." (LEENAARS, 2003, p.130).

Leenaars (2003, p.133, Author's Griffin) complements this idea about the right to die by suicide, saying that "[...] no one person, nation, or culture can know *the right*, whether defined by Black Elk, Plato, Buddha, and so forth [...]."

Throughout the world is calculated that about two thousand people kill themselves each day (STONE, 1999). Therefore, "[...] from another perspective, you are more likely to kill yourself than be killed by someone else" (STONE, 1999, p. 9).

The World Health Organization quoted by Leenaars (2003, p.130) "reports that worldwide, more people die by suicide than by any other form of violent death, including homicide and terrorist

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attack [...]” By this bias, according to the World Health Organization (2017, n.p.), “Close to 800 000 people die due to suicide every year. [...] Suicide is the second leading cause of death among 15-29-year-olds [...]” In accordance with Quinnet (1987, p. 10), “[...] Research has shown that a substantial majority of people have considered suicide at one time in their lives [...].”

According to Quinnet (1987, p. 9):

[...] most other countries it is still against the law to attempt suicide and if you try it, unpleasant legal consequences may follow. Although it rarely happens now, not so long ago people were put in jail for attempting suicide. But in the last few decades suicide has become less of a crime and more of a symptom that something is desperately wrong with people who try it and that, if given some help, they will give up the idea and get on with living.

As noted by Quinnet (1987, p. 11)

[...] despite laws designed to prevent suicide, these laws are never carried out in exactly the same way from one place to another or even from one day to the next. People in the system --psychologists, psychiatrists, emergency-room people, policemen and women, etc. -- all have different opinions about people who attempt suicide. Some of them, to be honest, don't like people who try to kill themselves. Some of them would just as soon you would succeed and get it over with.

Now, let's suppose that there is somebody out there who has 80% of chances to commit a murder. The police are not going to arrest this person until he really commits this act or at least tries to do it. Then, let's also suppose that there is somebody who has 80% of chances to commit suicide. He didn't even tried to do it but the police, social assistance, health system or whatever authority is going to stop him even before he tries to do it. So, in this hypothetic case the controversial is quite amazing. It seems like the state is more concerned about a person dying by suicide instead of murder. However, you may argue that there is a difference between these two examples where in the first what happens is the effect of a criminal law and in the second is an effect of a civil law (STONE, 1999). Well, of course it's recognizable these two sides, but it isn't enough to justify the great difference of treatment for both cases.

CONCLUSION

As others problems in life, suicide has not a quick solution. It's been, therefore, a quite difficult challenge for every student, professor, researcher, scholar, sociologist, theologian, biologist, psychiatric, psychologist etc. This phenomenon is a really interesting subject to study as well as a very preoccupant issue.

We can prevent suicide through alternative ways such as counseling, medications, public politics, and even under the law. We have to try to create laws with different biases because the

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State doesn't have an absolute right to imprison the person in a hospital as an outlaw, it will just add more suffering and pain for a person who already can't bear his/her own suffering and pain, so it's not reasonable. We all at some point are responsible to suicide in our society, so we have to help to prevent it instead of condemn the victims of suicide.

Keywords: Death; Health; Law; Life; Suicide.

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Acknowledgments: We thank the Unijuí University and its promoters, professors, students and all the people who are involved in some way for promoting the event.

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